



TA-1023-2024

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.206**TA-1023-2024****Date of Decision: 19.03.2025****POONAM****....Applicant****Versus****HARVINDER****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Pradeep Chhoker, Advocate for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC-680-2022 titled “Harvinder v/s Poonam”, filed by the respondent/husband, which is pending in the courts at Sonipat and she seeks transfer of the same to the court of competent jurisdiction at Jhajjar.

As per previous order dated 09.12.2024, none had made appearance on behalf of the respondent, despite service. Today also, none has made appearance on behalf of the respondent. As such, respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 15.02.2021, but no child was born from the said wedlock. On account of matrimonial dispute, the parties are residing separate. The applicant is stated to be unemployed and as such, has no source of income and is completely dependant upon her parental family.

On account of matrimonial dispute, the applicant has got lodged FIR No.30



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dated 14.02.2022, in which respondent is facing trial in the courts at Jhajjar. Besides the same, she has filed one petition i.e. COMA/32/2022 under Section 12 of Protection of Women from Domestic Violence Act and petition under Section 125 Cr.P.C., which are also pending in the courts at Jhajjar and the respondent is pursuing both the aforesaid cases. The distance between Jhajjar and Sonipat is about 65 kilometres. In the given circumstances, it is submitted that it is difficult for the applicant to commute the said distance, to defend the divorce petition.

In view of the aforesaid fact situation and also considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, when the respondent has not come forward to contest the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC-680-2022 titled “Harvinder v/s Poonam”, filed by the respondent/husband, stands transferred from the Family Court, Sonipat, to the Court of competent jurisdiction at Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Sonipat to the District and Sessions Judge, Jhajjar.

Learned District and Sessions Judge, Jhajjar, shall assign the said petition to the Family Court, Jhajjar. Even, the parties are directed to appear before the Family Court, Jhajjar, within a period of one month from today onwards.

(ARCHANA PURI)
JUDGE

19.03.2025
Sonu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No