



TA-944-2025

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

Sr. No.252**TA-944-2025****Date of Decision: 14.11.2025****INDU****....Applicant****Versus****SONU****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Kanchan Sindhu, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 17.10.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/33/2025, titled '*Sonu Vs. Indu*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.



It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 11.03.2024, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant herself is working at Bhiwani, as 'Clerk' in Health Department and she is staying at Bhiwani only. Furthermore, the distance between the two places is stated to be about 60 kms. Also, counsel submits that it is only on account of safety and security that the applicant seeks transfer of the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, it is pertinent to mention that even though, the Courts generally give preference to the convenience of the wife, while considering the transfer application relating to the matrimonial dispute, but however, the same is not a thumb rule. Other circumstances spelt out from the material brought on record also ought to be taken into consideration. Each case has to be decided in its own factual background. Various factors ought to be taken into consideration. In the case in hand, there is no child born from the wedlock of the parties to the lis. Even, the applicant is working as a 'Clerk' in Health Department. The distance between the two places is about 60 kms. Also, from the assertions in the application, it is evident that the applicant has done M.Sc. in computer science. As such, it is evident that the applicant is professionally qualified and is also a working woman. There is no other litigation between the parties and the distance is also not such, which is a constrain in itself, to pursue the petition under Section 9 of the Hindu Marriage Act. Moreover, the applicant is not required to make appearance before the Family Court, on



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each and every date of hearing.

Considering the aforesaid factual position, no good reason is evident to accept the application. Hence, the transfer application is hereby dismissed.

14.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No