



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

Sr. No.128**TA-1035-2024****Date of Decision: 06.02.2025****MEENU BHALLA****....Applicant****Versus****JANISH BHALLA****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Mahima Dogra, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 27.01.2025.

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. HMA/280/2024, titled '*Janish Bhalla Vs. Meenu Bhalla @ Harshita*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Derabassi, District SAS Nagar.

In pursuance of the notice issued, respondent did not make appearance and as such, he was 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 to the lis, had taken place on 30.01.2015. One daughter



TA-1035-2024

born from the said wedlock, who is about 9 years old is in the care and custody of the applicant. The applicant is not doing any job and as such, is having no source of income. She has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Derabassi and the respondent had made appearance in the same initially, but however, now he is not pursuing the said petition. Even, the interim maintenance awarded at the rate of Rs.12,000/- per month, for the applicant and the daughter, is not being paid by the respondent. As such, recently, the applicant has filed the execution petition under Section 128 Cr.P.C., which is also pending in the Courts at Derabassi.

Besides the aforesaid, it is submitted that on account of unfortunate incident, which took place on 07.10.2017, in the matrimonial house of the applicant, she had suffered several injuries, the detail whereof is given in paragraph No.4 of the application. Relating to the same, the applicant has also placed on record the discharge and follow up card, copy whereof is Annexure A-1. In the given circumstances, on account of physical ailment, as well as while taking care of the minor daughter, more particularly, while she is not having any independent source of earning, a prayer is made for transfer of 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. HMA/280/2024, titled '*Janish Bhalla Vs. Meenu Bhalla @ Harshita*', filed by the respondent-husband, stands



transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Derabassi, District SAS Nagar. The requisite record of the aforesaid case be sent by the Family Court, Ambala, to the District and Sessions Judge, SAS Nagar.

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

06.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No