



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

Sr. No.106

TA-1173-2023

Date of Decision: 14.05.2025

KAVITA

....Applicant

Versus

SUNIT SANGWAN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Narender Kaajla, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 07.05.2025.

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/109/2023, titled '*Sunit Sangwan Vs. Kavita*', filed by the respondent-husband, pending in the Family Court (Camp Court) Bahadurgarh, District Jhajjar and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

Upon notice, initially the respondent made appearance through counsel, but thereafter, he did not pursue the application and as such, he was proceeded against *ex parte*, vide order dated 07.05.2025.

The counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 23.11.2005. Two sons were born from the said wedlock on 04.09.2006 and 03.06.2013, out of the elder one is in the custody of the respondent, whereas



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the younger one is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate.

Also, it is submitted that the respondent is a member of local Bar at Bahadurgarh. He also remained Vice-President of the Bar and is an influential lawyer. As such, there is apprehension of exercise of influence of the respondent, upon the decision of the divorce petition. Furthermore, it is submitted that the applicant is not having any source of earning and as such, it is difficult for her to commute a distance of about 160 kilometres, to defend the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, in case of transfer applications relating to the matrimonial disputes, though, it is not a thumb rule. Various other circumstances spelt out are also to be taken into consideration. In the case in hand, though the respondent is member of the Bar and there is apprehension of the exercise of influence over the decision of the case, but however, the respondent has not made appearance, despite service and he has not contested the transfer application. Though, such exercise of influence may not be there, but however, the fact remains that the applicant is not having any source of earning and she is also taking care of the young child. In the given circumstances, when the respondent has not come forward to resist the application and keeping in view the distance between the two places, it is just and expedient to accept the transfer application.

However, at this stage, the counsel for the applicant submits that after filing of the transfer application, Family Court (Camp Court) is existing at Siwani, which is sub-division of Bhiwani and he makes a prayer



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for transfer of the divorce petition to the Court of competent jurisdiction at Siwani, District Bhiwani.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/109/2023, titled '*Sunit Sangwan Vs. Kavita*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Bahadurgarh, District Jhajjar, to the Court of competent jurisdiction at Siwani, District Bhiwani. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Bahadurgarh, to the District and Sessions Judge, Bhiwani.

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

14.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No