



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

Sr. No.103

TA-1230-2023

Date of Decision: 21.01.2025

MEENA DEVI

....Applicant

Versus

RAJESH KUMAR SINGLA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Deepak Kundu, Advocate
for the applicant.

Mr. Abhishek Sindhvani, Advocate
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/571/2023, titled '*Rajesh Kumar Singla Vs. Meena Devi*', filed by the respondent-husband, pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

In pursuance of the notice issued, respondent made appearance, at first instance, through counsel. However, later on, he was proceeded against *ex parte*, as he did not make appearance and even reply was not filed. Now, today the counsel for the respondent has again made appearance. As such, he is allowed to join the proceedings. The counsel for the respondent submits that he does not intend to file reply to the transfer application, though he contests the same.

Learned counsel for the parties heard.

At the very outset, the counsel for the applicant submits that



TA-1230-2023

the marriage between the parties to the lis, had taken place on 23.02.2003. Two children were born from the said wedlock in the year 2006 and 2012, who are presently in the care and custody of the respondent-husband. However, due to the matrimonial discord, the parties are residing separate. Also, it is submitted that the applicant has no independent source of earning and is totally dependent upon her parental family. As such, she has also filed the petition under Section 125 Cr.P.C., which is pending before the Family Court, Jind. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100 kilometres, to defend the divorce petition.

On the contrary, the counsel for the respondent refutes the claim of the applicant, as he submits that both the children are in the care and custody of the respondent and he is taking care of the upbringing of the children, for the last four years. Also, it is submitted that he has an aged mother to look after and he is a government employee. As such, it is difficult for him to pursue the divorce petition, if so transferred.

In view of the aforesaid submissions made, taking into consideration the fact about the applicant not having any source of earning and totally dependent upon her parental family and also looking at the distance between the two places, more particularly, 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, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/571/2023, titled '*Rajesh Kumar Singla Vs. Meena Devi*', filed by the respondent-husband, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Jind. The requisite



TA-1230-2023

record of the aforesaid case be sent by the Family Court, Hisar, to the District and Sessions Judge, Jind.

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

21.01.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No