



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

Sr. No.101

**TA-1219-2023
Date of Decision: 25.03.2025**

RAKESH RANI

....Applicant

Versus

TARIF SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.K. Verma, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 07.02.2025.

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. DMC/457/2023, titled '*Tarif Singh Vs. Rakesh Rani*', 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.

In pursuance of the notice issued, respondent did not make appearance, despite service and as such, he was proceeded against *ex parte*.

Learned 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, was performed on



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25.12.2020, but no child was born from the said wedlock. Also, it is submitted that on account of the matrimonial discord, the parties are residing separate. The applicant had filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/138/2023 and the same is pending in the Courts at Bhiwani. The counsel also submits that the applicant is working as Block Resource Person in Samagra Siksha Abhiyan in BRC Office, Bhiwani, on contract basis and she is getting a salary of Rs.52,000/- per month. However, it is submitted that it shall be very inconvenient for the applicant, on account of her job, to defend the divorce petition at Rohtak Courts, on each and every date of hearing. As such, a prayer for acceptance of the transfer application has been made.

In view of the submissions aforesaid, it is pertinent to mention that even though, generally the Courts give preference to the convenience of the wife in case of the transfer applications relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances brought on record, also ought to be taken into consideration, for acceptance/denial of the transfer application. In this regard, there is a wide discretion provided to the Courts by the law. In the case in hand, it is pertinent to mention that even though, the respondent has not come forward to contest the transfer application, but it is evident that the applicant is working as Block Resource Person and having a salary of Rs.52,000/- per month. Also, the distance between Rohtak and Bhiwani is only 50 kilometres. There is no child born from the said wedlock.

Considering the aforesaid fact situation, there is no mitigating circumstances, except for one i.e. the petition under Section 12 of the Protection of Women from Domestic Violence Act is pending in the Courts



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at Bhiwani. Moreover, the proceedings are of civil nature, which do not call for presence of the parties to the lis, on each and every date of hearing. Otherwise also, the applicant can always file an application before learned Family Court, thereby making a request for making appearance through video conferencing, as and when required.

Considering the aforesaid circumstances, no case is made out to allow the application. Hence, the transfer application is hereby dismissed.

25.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No