



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

Sr. No.204

TA-1244-2023

Date of Decision: 14.02.2025

SUMAN RANI

....Applicant

Versus

RAKESH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Gaurav Gupta, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/425/2023, titled '*Rakesh Vs. Suman 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 Karnal.

On the last three consecutive dates, none had made appearance on behalf of the respondent, despite service being complete, as observed in the order dated 01.02.2024. Even today, none has made appearance on behalf of the respondent. As such, the respondent is proceeded against *ex parte*.



Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage of the applicant with the respondent, was the second marriage. From the first marriage of the applicant, there were two children, who are in the age-bracket of 10-13 years and they are presently residing with the applicant. The second marriage of the applicant, with the respondent, was performed on 12.04.2023, but no child was born from the said wedlock. On account of the matrimonial discord, the parties are residing separate. The applicant has filed the complaint under the Protection of Women from Domestic Violence Act, as well as the petition under Section 125 Cr.P.C., which are pending in the Courts at Karnal. Also, it is submitted that the applicant is unemployed and is not having any source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 120 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act, pending in the Courts at Rohtak.

In view of the aforesaid submissions 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 forth to resist the transfer application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/425/2023, titled '*Rakesh Vs. Suman Rani*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Karnal.



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

14.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No