



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

Sr. No.102

TA-1268-2023

Date of Decision: 25.03.2025

RAJ BALA

....Applicant

Versus

SATISH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Shadab Ahmad, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 21.08.2024, despite service, the respondent did not make appearance on that date. Even on the subsequent date i.e. 17.12.2024, the respondent did not make appearance. Today also, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

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/1/2022, titled '*Satish Kumar Vs. Raj Bala*', filed by the respondent-



husband, pending in the Family Court, Sonapat and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 11.07.2013. One son was born from the said wedlock in the year 2014. However, in the year 2016, she had given birth to twins, but they were born brain dead. Also, it is submitted that on account of the matrimonial discord, the parties are residing separate. On 30.04.2018, the respondent had forcibly taken away the son from the custody of the applicant. Furthermore, it is submitted that the applicant is a home-maker and as such, she has no source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 209 kilometres, to defend the divorce petition.

In view of the submissions aforesaid 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, considering the respondent having not come forward to contest the application, as well as considering the distance and also the fact about the applicant having no source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1/2022, titled '*Satish Kumar Vs. Raj Bala*', filed by the respondent-husband, stands transferred from the Family Court, Sonapat, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Sonapat, to the District and Sessions Judge, Chandigarh.



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

25.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No