



TA-1172-2024 (O&M)

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

Sr. No.212

TA-1172-2024 (O&M)
Date of Decision: 17.02.2025

ANJU

....Applicant

Versus

RAVI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sunil Goswami, Advocate
for the applicant.

Mr. Manav Dhull, Advocate
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/85/2024, titled '*Ravi Vs. Anju*', filed by the respondent-husband, pending in the Family Court (Camp Court) Ganaur, District Sonipat and she seeks transfer of the same to the Court of competent jurisdiction at Hansi, District Hisar.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties 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 in December, 2019. One daughter born from the said wedlock, who is about 3-4 years old, is in the care and custody of the applicant. The applicant is not working and as such, has no source of earning. She is totally dependent



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upon her parental family. Even, the applicant has got lodged an FIR bearing No.151 dated 08.07.2024, under Sections 323, 34, 354-A, 406, 498-A and 506 IPC, at Police Station Bass, District Hansi and the trial relating to the same is going on, in the Courts at Hansi. Also, it is submitted that after filing of the transfer application, the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, was filed by the applicant, which is pending in the Courts at Hansi. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 112 kilometres, from the place of her residence, to defend the petition under Section 9 of the Hindu Marriage Act.

On the contrary, the counsel for the respondent submits that the fault is on the part of the applicant. In fact, it is only on account of interference at the behest of her parental family, that there is matrimonial dispute between the parties. As such, he submits that there is no necessity to transfer the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions made 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 applicant to be not having any source of earning and also taking care of the minor daughter, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/85/2024, titled '*Ravi Vs. Anju*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Ganaur, District Sonipat, to the Court of competent jurisdiction at Hansi, District Hisar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Ganaur, to the District and Sessions Judge, Hisar.



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

Pending application also stands disposed of.

17.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No