



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

Sr. No.209**TA-1186-2024****Date of Decision: 02.04.2025****KOMAL KUMARI****....Applicant****Versus****DHARAMBIR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Sandeep Kumar Yadav, Advocate for
Mr. R.K.Girdhwal, Advocate
for the applicant.

None for the respondent.

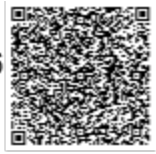
ARCHANA PURI, J. (Oral)

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/215/2024 titled “Dharambir v/s Komal Kumari”, filed by the respondent/husband, which is pending in Family Courts, Rewari and she seeks transfer of the same to the court of competent jurisdiction at Jhajjar.

Perusal of the last order reveals that none had made appearance on behalf of the respondent, despite service. Today also, none has made appearance on behalf of the respondent. As such, respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

It is submitted by the counsel appearing on behalf of the applicant that the marriage between the parties was solemnized in the year 2019 and one daughter, aged about 4 years, is in the care and custody of hte



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applicant. On account of the matrimonial discord, the parties are residing separate. The applicant is not having any source of earning and is dependent upon her parental family. The applicant had filed petition under Section 125 Cr.P.C., which is pending in the Courts at Jhajjar and also got lodged an FIR No.0044 dated 16.06.2024 under Section 323, 34, 406, 498-A IPC, relating to which challan has been presented and the respondent is facing trial in the same. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 50 kms, to defend the divorce petition.

In view of the aforesaid fact situation and also considering the position of law about preference given to the convenience of the wife in the transfer applications, relating to the matrimonial disputes, more particularly, when the respondent has not come forward to contest the application and the applicant is taking care of the minor daughter, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/215/2024 titled “Dharambir v/s Komal Kumari”, filed by the respondent/husband, stands transferred from the Family Court, Rewari, to the Court of competent jurisdiction at Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Rewari to the District and Sessions Judge, Jhajjar.

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

(ARCHANA PURI)
JUDGE

02.04.2025
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Whether speaking/reasoned : Yes
Whether reportable : Yes/No