



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

Sr. No.130

TA-1229-2024

Date of Decision: 13.02.2025

BANTY RANI

....Applicant

Versus

ZILENDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nikhil Vats, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 05.02.2025.

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. HMA/1357/2023, titled '*Zilender Singh Vs. Banty Rani*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Rohtak.

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

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 03.03.2006. Three



daughters were born from the said wedlock. The eldest child, namely, Mehak, who is about 14 years old, is in the care and custody of the respondent-husband, whereas, the two younger daughters, who are about 7 years old and 7 months old, are in the care and custody of the applicant. The applicant is not having any source of earning and as such, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Rohtak and the respondent is making appearance in the same. Likewise, she has also filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Rohtak and the respondent is making appearance in the said case also. Even, challan is presented, relating to FIR bearing No.140 dated 30.04.2023, under Sections 323, 406, 498-A and 506 IPC, got lodged by the applicant at Police Station IMT Rohtak. However, the respondent is not making appearance in the same and warrant of arrest, has been issued against him.

Considering the aforesaid factual position 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, while the applicant is taking care of two minor daughters, who require constant care and also considering the fact about the respondent already making appearance in two cases, which are pending in the Courts at Rohtak, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1357/2023, titled '*Zilender Singh Vs. Banty Rani*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Rohtak.



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

13.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No