



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.114

TA-1289-2024 (O&M)
Date of Decision: 19.03.2025

MONIKA

....Applicant

Versus

AJAY

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Abhimanyu Jangra, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 27.01.2025, despite service, the respndent did not make appearance on that date. Even today, none has made appearance on his behalf. Hence, 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/99/2024, titled '*Ajay Vs. Monika*', filed by the respondent-husband, pending in the Family Court, Charkhi Dadri and she seeks transfer of the same to the Court of competent jurisdiction at Meham, District Rohtak.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 14.12.2015, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant is residing at



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Meham with her parental family. Further, it is submitted that the applicant has filed the petition under Sections 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act i.e. COMA/98/2019, which is pending in the Courts at Rohtak. Likewise, she had got lodged an FIR bearing No.164 of 2018, under Sections 323, 406, 498-A, 506 IPC, at Police Station Meham and the trial is also pending in the Courts at Meham, District Rohtak and now the trial is fixed for prosecution evidence. Besides the same, the applicant has also filed the criminal complaint i.e. CRM/3/2023, which is also pending in the Courts at Meham, District Rohtak. Also, it is submitted that the respondent is pursuing all the aforesaid three litigations. It is also pointed out that earlier, the respondent had filed the petition under Section 12(1) (C) of the Hindu Marriage Act i.e. HMA/692/2018 and to seek transfer of the same to Rohtak Courts, the applicant had filed the transfer application i.e. TA-153-2019 and the same was allowed vide order dated 04.09.2019, copy whereof is Annexure P-2. At this stage, it is submitted by the counsel for the applicant that earlier the case was sought to be transferred at Rohtak, as at that time, the applicant was residing at Rohtak in the rented premises. However, the respondent did not pursue the aforesaid case and in pursuance of transfer of the case, the same was dismissed in default.

Furthermore, it submitted that the applicant is having no source of earning and her father has already died and as such, she is dependent upon her brother. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 60 kilometres, to defend the divorce petition.

In view of the submissions aforesaid, considering the position of law about preference to be given to the convenience of the wife in the



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transfer applications relating to the matrimonial dispute, more particularly when the respondent has not come forward to resist the application and also considering the fact about various other litigation pending in the Courts at Meham/Rohtak, which is being pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/99/2024, titled '*Ajay Vs. Monika*', filed by the respondent-husband, stands transferred from the Family Court, Charkhi Dadri, to the Court of competent jurisdiction at Meham, District Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Charkhi Dadri, to the District and Sessions Judge, Rohtak.

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

Pending application also stands disposed of.

19.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No