



TA-1370-2024

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

Sr. No.117

TA-1370-2024

Date of Decision: 28.04.2025

REKHA

....Applicant

Versus**DALBIR SINGH**

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sachin Kaushik, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 05.02.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. 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/354/2024, titled '*Dalbir Singh Vs. Rekha*', filed by the respondent-husband, pending in the Family Court, Panipat and she seeks transfer of the same to the Court of competent jurisdiction at Sonapat.

It is submitted by the counsel for the applicant that the marriage



TA-1370-2024

between the parties to the lis, had taken place on 14.02.2014. One son born from the said wedlock, who is about 5 months old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant had got lodged an FIR bearing No.56 dated 23.10.2019, under Sections 323, 342, 354, 406, 498-A, 506 and 34 IPC and the respondent is facing trial in the same before the Courts at Sonapat. Also, it is submitted that the applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she had filed the petition under Section 125 Cr.P.C. i.e. MNT/264/2020, in the Courts at Sonapat, which had since been decided and the execution relating to the same is still pending. An amount of Rs.5,00,000/- (approximately), is due towards the respondent, who is not paying the arrears of maintenance. 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 and considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the respondent has not come forward to resist the application and also considering the fact about the applicant, despite having no source of earning, to be taking care of the minor son, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/354/2024, titled '*Dalbir Singh Vs. Rekha*', filed by the respondent-husband, stands transferred from the Family Court, Panipat, to the Court of competent jurisdiction at Sonapat. The requisite record of the aforesaid case be sent by the Family Court, Panipat, to the District and Sessions Judge, Sonapat.



TA-1370-2024

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

28.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No