



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

Sr. No.114

TA-1595-2023

Date of Decision: 13.02.2025

SABHYATA

....Applicant

Versus

DEEPAK

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mukesh Yadav, 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. HMA/196/2023, titled '*Deepak Vs. Sabhayata*', filed by the respondent-husband, pending in the Family Court, Gurugram and she seeks transfer of the same to the Court of competent jurisdiction at Jhajjar.

As per the last order dated 09.12.2024, none had appearance on behalf of the respondent, despite service. Even today, none has made appearance on his behalf. As such, the respondent is 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 23.04.2021, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant is unemployed and as such, has no source of earning. She is totally dependent upon her parental



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family. The applicant has filed the petition under Section 9 of the Hindu Marriage Act i.e. HMA/713/2023, which is pending in the Courts at Jhajjar, at appearance stage. Also, she has filed the petition under Section 125 Cr.P.C. i.e. MNT/278/2023, which is also pending in the Courts at Jhajjar and is fixed for payment of interim maintenance. The respondent is pursuing the said petition. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 50 kilometres, to defend the divorce petition.

In view of the aforesaid fact situation 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, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/196/2023, titled '*Deepak Vs. Sabhayata*', filed by the respondent-husband, stands transferred from the Family Court, Gurugram, to the Court of competent jurisdiction at Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Gurugram, 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.

13.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No