



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.115

TA-1524-2024
Date of Decision: 19.03.2025

MALTI RANI @ MALTI

....Applicant

Versus

AMIT KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Shashikant Gupta, Advocate
for the applicant.

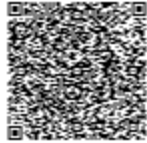
None for the respondent.

ARCHANA PURI, J. (Oral)

As per the order dated 11.02.2025, despite service, the respondent did not make appearance on that date. Even on the subsequent date, none had made appearance on his behalf. Today also, none has made appearance on behalf of the respondent. 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/302/2024, titled '*Amit Kumar Vs. Malti*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Narnaul, District



Mahendergarh.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 17.02.2016. Two children born from the said wedlock, are in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant, as well as the respondent, lastly resided together in Rohtak. The divorce petition was filed by the respondent at Rohtak, even though, he is working at Gurugram and is resident of Rewari. The applicant had also filed a complaint in Women Police Station, Narnaul, on the basis whereof, FIR was registered, relating to which challan has since been presented. The counsel for the applicant has placed on record the copy of the order dated 21.11.2024 passed by learned Trial Court, during the course of trial. Also further, it is submitted that the applicant is not working and as such, has no source of earning. Even, she has filed the maintenance petition i.e. MNT-125/86/2024, which is pending in the Courts at Narnaul.

In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 120 kilometres, to defend the divorce petition, filed by the respondent.

In view of the submissions aforesaid, 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, considering the distance between the place where the divorce petition is pending and where it is sought to be transferred, taking into consideration the fact about two minor children to be in the care and custody of the applicant, who is not having any source of earning and also considering the fact about the respondent not having come forward to resist the application,



TA-1524-2024

the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/302/2024, titled ‘*Amit Kumar Vs. Malti*’, filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Narnaul. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Narnaul.

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

19.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No