



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

**Sr. No.234**

**TA-1702-2025**

**Date of Decision: 06.05.2026**

**NIDHI**

**....Applicant**

**Versus**

**HEMANT YADAV**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Arvind Sethi, Advocate (through video conferencing) and  
Mr. Jatin Kaushal, Advocate  
for the applicant.

None for the respondent.

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**ARCHANA PURI, J. (Oral)**

As per the observations made in the order dated 18.03.2026, despite service, the respondent did not make appearance on that date. Even, on the subsequent date i.e. 06.04.2026, none has made appearance. Today also, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/595/2025, titled '*Hemant Yadav Vs. Nidhi*', filed by the respondent-husband, pending in the Family Court, Rewari and she seeks transfer of the same to the Court of competent jurisdiction at Charkhi Dadri.



At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 29.11.2021. Two children were born from the said wedlock. Elder child is the daughter, who is aged about 3½ years and she is in the care and custody respondent, whereas the younger child is son, who is about 1½ years old and he is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she, together with her son, is dependent upon her parental family.

Also, it is submitted that the applicant has got lodged an FIR bearing No.105 dated 10.08.2025, under Sections 115, 3(5), 316(2) and 85 of the BNS, at Police Station Bond Kalan and the trial relating to the same is going on and the respondent is making appearance in the same, as accused. The distance between the two places is stated to be about 80-90 kms. on one side.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration and then some balancing of convenience/inconvenience of both the parties, is required to be made. In the case in hand, the most weighing and relevant factor to be considered, is that the applicant, who herself is not having any source of earning, is taking care of a toddler. The elder daughter is in the custody of the respondent. Though, this fact has also to be considered, but however, the applicant had stated that the custody of the daughter was never handed over to her, by the respondent.



In view of the aforesaid fact situation, more particularly, taking into consideration the fact of the respondent, pursuing the criminal case at Charkhi Dadri, wherein he is required to make appearance on each and every date of hearing and above it, considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/595/2025, titled '*Hemant Yadav Vs. Nidhi*', filed by the respondent-husband, stands transferred from the Family Court, Rewari, to the Court of competent jurisdiction at Charkhi Dadri. The requisite record of the aforesaid case be sent by the Family Court, Rewari, to the District and Sessions Judge, Charkhi Dadri.

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

06.05.2026  
Himanshu Vats

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No