



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

Sr. No.110

**TA-382-2024 (O&M)
Date of Decision: 24.04.2025**

SUDESH

....Applicant

Versus

NASEEB SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Munish Kumar Garg, Advocate and
Mr. Rakesh Kumar Jangra, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 21.04.2025.

ARCHANA PURI, J. (Oral)

CM-5631-CII-2024

Keeping in view the averments made in the application, same is
allowed.

Main case

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/283/2022, titled '*Naseeb Singh Vs. Sudesh*', 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 Hisar.

Upon notice issued, the respondent did not make appearance,
despite service and as such, was proceeded against *ex parte*.

The counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the



TA-382-2024 (O&M)

applicant that the marriage between the parties to the lis, had taken place on 08.05.1989. Two children were born from the said wedlock, one son and one daughter. They both are married now and settled in their lives. However, the matrimonial dispute arose between the applicant and the respondent and as such, they are residing separate. The applicant is residing with her brother at village Sultanpur, which is at a distance of about 20 kilometres from District Court, Hisar. The applicant is not doing any work and as such, has no source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which is also pending at Hisar and the respondent has yet not made appearance in the same. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 95 kilometres, to defend the divorce petition, at this age.

In view of the submissions aforesaid and taking into consideration the preference given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is not having any source of earning and is dependent upon her parental family and considering the fact about the respondent having not come forward to resist the application and also taking into consideration the fact of one case arising from the matrimonial dispute already pending in the Courts at Hisar, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/283/2022, titled '*Naseeb Singh Vs. Sudesh*', filed by the respondent-husband, stands transferred from the Family Court, Charkhi Dadri, to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid case be sent by the Family Court, Charkhi Dadri, to the District and Sessions Judge, Hisar.



TA-382-2024 (O&M)

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

24.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No