



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

Sr. No.246

TA-295-2024

Date of Decision: 08.01.2025

ANU RANI

....Applicant

Versus

SAMRAT KUMAR

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vrishank Suri, Advocate
for the applicant.

Respondent proceeded against *ex parte*,
vide order dated 19.12.2024.

ARCHANA PURI, J. (Oral)

The applicant/wife has filed the present application for seeking transfer of the petition under Section 9 of Hindu Marriage Act i.e. HMA/31/2024, titled “*Samrat Kumar v/s Anu Rani*”, filed by the respondent/husband, pending in Family Court, Jalandhar and she seeks transfer of the same to the court of competent jurisdiction at Ludhiana.

In pursuance of the notice issued, respondent had not made appearance, despite service. Hence, he was proceeded against *ex parte*.

Counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties had taken place on 08.03.2011 and two children, aged about 12 years and 9 years, born from the said wedlock, are presently in the care and custody of the applicant. However, on account of matrimonial



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discord, the applicant has filed petition under Section 13 of Hindu Marriage Act, which is already pending in the courts at Ludhiana and the respondent is making appearance in the same. Also, it is submitted that the applicant is not having any independent source of earning and in these circumstances, it is difficult for her to commute a distance of about 65 kms to defend the petition under Section 9 of Hindu Marriage Act, more particularly, while taking care of the two minor children.

Considering the submissions made and also considering the position of law about the preference to be given to the wife in transfer applications, relating to the matrimonial dispute, the application, as such, is hereby accepted and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/31/2024, titled "*Samrat Kumar v/s Anu Rani*", filed by the respondent-husband, stands transferred from the Family Court, Jalandhar to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court Jalandhar to District and Sessions Judge, Ludhiana.

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

08.01.2025

Sonu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No