



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

Sr. No.104

**TA-1217-2023 (O&M)
Date of Decision: 24.02.2025**

RAKHI

....Applicant

Versus

SHIVAM MEHRA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Amandeep Singh, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 08.01.2025.

ARCHANA PURI, J. (Oral)

CM-17402-CII-2023

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 9 of the Hindu Marriage Act i.e. HMA/1159/2021, titled '*Shivam Mehra Vs. Rakhi*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Jhajjar.

In pursuance of the notice issued, respondent did not make appearance and as such, was proceeded against *ex parte*.



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Learned counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the applicant belongs to a very humble family. Her father is a labourer and her mother use to do menial household work. Further, it is submitted that the marriage of the applicant was performed with the respondent on 23.11.2019. One daughter was born from the said wedlock, who is in the care and custody of the applicant. The applicant is not working and as such, has no source of earning. Even, her parents, as submitted aforesaid, belong to a poor family, who cannot afford the financial liability to pursue the litigation, initiated by the respondent-husband in the Courts at Karnal, which is at a distance of about 170 kilometres from the place of residence of the applicant. Furthermore, it is submitted that the applicant has filed the complaint before Women Cell, Jhajjar, qua the conduct of the respondent, which is still pending enquiry. As such, a prayer is made for acceptance of the transfer application.

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 two places and also considering the fact about the applicant to be taking care of the daughter born from the wedlock of the parties, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1159/2021, titled '*Shivam Mehra Vs. Rakhi*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Jhajjar.



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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.

24.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No