



TA-1678-2024

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

Sr. No.121

TA-1678-2024

Date of Decision: 06.05.2025

SUMITA

....Applicant

Versus

DINESH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sandeep Singal, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 03.03.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. 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 9 of the Hindu Marriage Act, titled '*Dinesh Kumar Vs. Sumita*' (Annexure P-1), filed by the respondent-husband, pending in the Family Court, Jhajjar and she seeks transfer of the same to the Court of competent jurisdiction at Rohtak.



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It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 13.03.2013. One son born from the said wedlock, who is about 10 years old, is in the care and custody of the applicant. He is studying in 4th class in Scholars Rosery School, Rohtak. On account of the matrimonial dispute, the parties are residing separate. The applicant is working as a Receptionist at Global School, Village Atayal, Rohtak, at a monthly salary of Rs.10,000/-. Her father has since died and her brother is settled in Australia. Her aged widow mother is suffering from several ailments. On account of this matrimonial dispute, the applicant has filed the petition under the Protection of Women from Domestic Violence Act, as well as the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which are already pending in the Courts at Rohtak.

In view of the submissions aforesaid and considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the husband is working in HCL Tech, Noida and earning Rs.20,00,000/- per year and has not come forward to resist the application and also taking into consideration the fact of the minor son, being in the care and custody of the applicant, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act, titled '*Dinesh Kumar Vs. Sumita*' (Annexure P-1), filed by the respondent-husband, stands transferred from the Family Court, Jhajjar, to the Court of competent jurisdiction at Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Jhajjar, to the District and Sessions Judge, Rohtak.



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

06.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No