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2025:PHHC:054097



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

**Sr. No.203**

**TA-869-2024**

**Date of Decision: 28.04.2025**

**NEETU**

**....Applicant**

**Versus**

**VIRENDER**

**....Respondent**

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

Present:- Mr. Gulshan Nandwani, Advocate  
for the applicant.

Respondent proceeded against *ex parte*  
vide order dated 09.12.2024.

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

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/211/2021, titled '*Virender Vs. Neetu*', filed by the respondent-husband, pending in the Family Court (Camp Court) Pataudi, District Gurugram and she seeks transfer of the same to the Court of competent jurisdiction at Rewari.

Upon notice, 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 applicant that the marriage between the parties to the lis, had taken place on 22.02.2015. Three children, two daughters and one son, were born from the said wedlock. The elder daughter is aged 8 years, the son is aged 7 years and the younger daughter is aged 3 years. All the said children are in the



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care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning and she, along with her children, is totally dependent upon her parental family. The applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act and the petition under Section 125 Cr.P.C., which are pending in the Courts at Rewari. Besides the same, one execution application, filed for seeking arrears of interim maintenance, is also pending in the Courts at Rewari and therein also, the respondent is making appearance. Also, the respondent is facing trial, relating to FIR bearing No.109 dated 10.04.2023, under Sections 323, 34, 406, 498-A, 506 and 509 IPC, got lodged by the applicant at Police Station Rewari City, District Rewari, in the Courts at Rewari. In the given circumstances, it is submitted that even though, the distance between the two places is only 27 kilometres, but on account of the harsh circumstances, more particularly, while not having any source of earning, the applicant finds it difficult to commute this distance also, to defend the divorce petition, while taking care of all the three children.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of the wife, in case of transfer applications relating to the matrimonial disputes. However, the same is not a thumb rule. Various circumstances are required to be taken into consideration, while considering the transfer application, relating to the matrimonial dispute. In the case in hand, the respondent has not come forward to resist the application and all the three children born from the wedlock of the parties, are in the care and custody of the applicant. They are of the age group of 3-8 years. Moreover, the applicant is not having any



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source of income. Even though, interim maintenance has been fixed, but still, the respondent not bothered to pay the arrears for the upcare of the children. Considering all these circumstances, even though, the distance is too less, but however, the fact remains that all the four other cases, arising from this matrimonial dispute, are already pending in the Courts at Rewari and they are being pursued by the respondent.

Considering all the aforesaid circumstances, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/211/2021, titled '*Virender Vs. Neetu*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Pataudi, District Gurugram, to the Court of competent jurisdiction at Rewari. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Pataudi, to the District and Sessions Judge, Rewari.

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

**28.04.2025**

Himanshu

**(ARCHANA PURI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No