



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

Sr. No.222

TA-800-2023

Date of Decision: 24.03.2025

RAJEEV

....Applicant

Versus

ABHIJEET

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Abhinav, Advocate for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the order dated 10.12.2024, despite service, the respondent did not make appearance on that date. Even on the subsequent date, none had made appearance on behalf of the respondent. Today also, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

The counsel for the respondent heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/210/2023, titled '*Abhijeet Vs. Rajeev*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 16.03.2021, but no child was born from the said wedlock. On account of the matrimonial discord, the parties are residing separate. The applicant is having no source of earning



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and is totally dependent upon her parental family. She has filed the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/194/2022 and the petition under Section 125 Cr.P.C. i.e. MNT/183/2022, which are pending in the Courts at Bhiwani and the respondent is making appearance in the same. Besides the same, the respondent is facing trial of the FIR bearing No.26 dated 08.03.2022, under Sections 323, 406, 498-A, 506 and 34 IPC, got lodged by the applicant, in the Courts at Bhiwani, wherein challan has been presented. Also, she has filed a complaint bearing No.87 of 2022, under Sections 217, 218, 323, 354, 377, 498-A, 376, 341, 342, 406, 511, 120-B and 34 IPC, which is also pending in the Courts at Bhiwani. Furthermore, it is submitted that the respondent is an Advocate by profession. On query by the Court, it is submitted by the counsel that the respondent is practising at Rohtak.

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, taking into consideration the fact about the respondent, who is an Advocate and practising at Rohtak, having not come forward to resist the application and also considering the fact of other litigation arising from the matrimonial dispute to be already pending in the Courts at Bhiwani, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/210/2023, titled '*Abhijeet Vs. Rajeev*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Bhiwani. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Bhiwani.

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

24.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No