



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

Sr. No.111

TA-1213-2024

Date of Decision: 09.04.2025

RAJNI**....Applicant****Versus****YASHPAL****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

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

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 08.01.2025, 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 13 of the Hindu Marriage Act i.e. DMC/287/2022, titled '*Yashpal Vs. Rajni*', filed by the respondent-husband, pending in the Family Court (Camp Court) Hansi, District Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 25.04.2018. One son born from the said wedlock, is in the care and custody of the respondent, at



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present. It is submitted that at the time of turning out the applicant from the matrimonial home, after subjecting her to beatings, the child was snatched by the respondent and his parents. On account of this matrimonial dispute, the applicant has already filed the complaint under Section 406, 498-A and 34 IPC, which is pending in the Courts at Jalandhar. Also, it is submitted that the applicant has no source of income and is totally dependent upon her parental family. As such, it is submitted that it is difficult for the applicant to commute a distance of about 350 kilometres to defend the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that though, generally the Courts lean towards the convenience of the wife, in case of the transfer applications relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances spelt out, are also required to be taken into consideration. The Court is supposed to do some balancing between convenience/inconvenience of both the sides and also take into consideration, as to whether it is just and expedient to accept the transfer application. In the case in hand, the minor son born from the wedlock of the parties, is in the custody of the respondent, though, it is asserted that the child was snatched from the applicant. Even, the distance between the two places is about 350 kilometres and such a distance is bound to cause inconvenience to either party, whether the applicant or the respondent, in pursuing the litigation. Considering the same and also taking into consideration the fact of the respondent having not come forward to resist the application and also considering the fact about the applicant not having any source of earning, it is just and expedient, if the divorce petition is transferred to some mid-point station, while doing some balance of



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convenience/inconvenience between the parties concerned.

Taking into consideration the aforesaid factor, the transfer application is partly allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/287/2022, titled '*Yashpal Vs. Rajni*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Hansi, District Hisar, to the Court of competent jurisdiction at SAS Nagar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Hansi, to the District and Sessions Judge, SAS Nagar.

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

09.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No