



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

Sr. No.224**TA-231-2024****Date of Decision: 08.04.2025****SHALLU RANI @ SHALLU****....Applicant****Versus****GOLDY****....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Naseema Sheikh, Advocate for
Mr. Sarju Puri and Ms. Kudrat Sareen, Advocates
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 05.08.2024, none had made appearance on behalf of the respondent, despite service. Today also, none has made appearance on his behalf. As such, respondent is proceeded against *ex parte*.

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 i.e. HMA-129-2024 titled "*Goldy v/s Shallu*", filed by the respondent/husband, which is pending in the courts at Ludhiana and she seeks transfer of the same to the court of competent jurisdiction at SBS Nagar.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 24.06.2011 and two children born from the said wedlock, one daughter and one son, are presently in the care and custody of the applicant. However, on account of matrimonial disputes,



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the parties are residing separate. There is stated to be no other litigation pending between the parties. The applicant is not having any source of earning and is dependant upon her parental family. As such, it is submitted that it is difficult for the applicant to commute a distance of about 100 kms, to defend the petition under Section 9 of Hindu Marriage Act.

In view of the aforesaid fact situation and also considering the position of law about preference given to the convenience of the wife in the transfer applications relating to the matrimonial disputes, more particularly, when the respondent has not come forward to contest the application and the applicant is taking care of the minor children, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA-129-2024 titled "*Goldy v/s Shallu*", filed by the respondent/husband, stands transferred from the Family Court, Ludhiana to the Family Court, SBS Nagar. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana to the District and Sessions Judge, SBS Nagar.

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

08.04.2025
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No