



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

Sr. No.115

TA-451-2025

Date of Decision: 23.05.2025

ANURADHA**....Applicant****Versus****NARENDER KUMAR****....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. T.C.Dhanwal and Ms. Vandana Rani, Advocates
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 15.05.2025 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*.

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/167/2022 titled '*Narender Kumar v/s Anuradha*', filed by the respondent-husband, pending in the Family Court, Fatehabad and she seeks transfer of the same to the Court of competent jurisdiction at Hisar.

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 04.10.2020, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant has filed



TA-451-2025

petition under Section 12 of Protection of Women from Domestic Violence Act i.e. DV/12/2023 and also the respondent is facing trial in the FIR No.297 dated 10.04.2022 under Section 323, 406, 498-A, 506 IPC, in the courts at Hisar. Furthermore, it is submitted that the applicant is a JBT Teachere at Village Babanpur (Ratia), which is at a distance of about 60 kms from Fatehabad.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating upon the transfer application, various circumstances ought to be taken into consideration, like the economic soundness of the parties concerned, their source of livelihood, ability to earn as well as the distance between the two places and also about the children born from the wedlock and the capacity as well as the factum of the parent, who take care of the children. One differential circumstances coming forth, can alter the decision of the transfer application.

Taking into consideration all the aforesaid factors, it is pertinent to mention that in the case in hand, the applicant is a JBT teacher and is bound to have a handsome salary. The distance between the two places to be about 60 kms, may singularly not weigh in the mind of the court, while adjudicating on the transfer application, but however, above all, the fact remains that the respondent has not come forward to resist the application. Besides the same, there are two other cases, arising from the estranged marriage, which are pending in the courts at Hisar and the respondent is pursuing the same.

Considering the aforesaid facts and circumstances, the present application is hereby allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/167/2022 titled *Narender Kumar v/s Anuradha,*



TA-451-2025

filed by the respondent-husband, stands transferred from the Family Court, Fatehabad, to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid case be sent by the Family Court, Fatehabad to the District and Sessions Judge, Hisar.

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

23.05.2025

Sonu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No