



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

Sr. No.120

TA-1096-2024

Date of Decision: 22.04.2025

SHALU RANI

....Applicant

Versus

RAMANDEEP

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. D.S. Virk, Advocate
for the applicant.

ARCHANA PURI, J. (Oral)

The respondent was proceeded against *ex parte*, vide order dated 28.03.2025, passed by this Court. However, at this stage, Mr. S.D. Bishnoi, Advocate, has made appearance on behalf of the respondent and filed Power of Attorney, which is taken on record. He submits that he does not intend to file reply and as such, he be allowed to join proceedings and make arguments. Allowed to do so.

The counsel for the parties 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/671/2023, titled '*Ramandeep Vs. Shalu Rani*', filed by the respondent-husband, pending in the Family Court (Camp Court) Ratia, District Fatehabad and she seeks transfer of the same to the Court of competent jurisdiction at Ellenabad, District Sirsa.

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



TA-1096-2024

25.03.2018. One son born from the said wedlock, who is about 5 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Even, the applicant has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Ellenabad. Besides the same, she has also filed the petition under Section 9 of the Hindu Marriage Act, which is also pending in the Courts at Ellenabad. Also, it is submitted that an FIR bearing No.144 dated 30.06.2020, under Sections 323, 342, 498-A IPC, was got registered against the applicant at Police Station Sadar Ratia, District Fatehabad, relating to which, the applicant has filed the transfer petition i.e. CRM-M-9380-2023, which is pending adjudication. The applicant is not having any source of earning. In the given circumstances, it is submitted that it is difficult for her to commute a distance of about 90 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent submits that the FIR case is already pursued by the applicant, relating to which no transfer order has been passed. In the given circumstances, he makes a prayer for dismissal of the transfer application.

Considering the aforesaid submissions and considering the fact that generally the Courts give preference to the convenience of the wife in the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is not having any source of earning and also taking care of the minor son and also taking into consideration the fact about two other cases arising from the matrimonial dispute, already pending in the Courts at Ellenabad, which are being pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/671/2023, titled '*Ramandeep Vs. Shalu Rani*', filed



TA-1096-2024

by the respondent-husband, stands transferred from the Family Court (Camp Court) Ratia, District Fatehabad, to the Court of competent jurisdiction at Ellenabad, District Sirsa. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Ratia, to the District and Sessions Judge, Sirsa.

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

22.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No