IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.110

TA-352-2024 (O&M)
Date of Decision: 13.05.2025

TANNU

....Applicant

Versus

RAVI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. M.S. Kundu, Advocate
for the applicant.

None for the respondent.

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ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 29.04.2025, 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 9 of the Hindu Marriage Act i.e. HMA/5/2024, titled *'Ravi Vs. Tannu',* 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 Gohana, District Sonepat.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 02.01.2017. One son born from the said wedlock, who is about 6 years old, is in the care and custody of the applicant. However, on account of the matrimonial dispute, the

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parties are residing separate. The applicant has filed the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/50/2020 and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/149/2022, which are pending in the Courts at Gohana and respondent is making appearance in both the said cases. Also, the respondent is facing trial in the Courts at Gohana, relating to FIR bearing No.10 dated 23.11.2020, under Sections 323, 406, 498-A and 506 IPC, got lodged by the applicant at Women Police Station Gohana, District Sonepat.

Besides the same, it is pin-pointed by the counsel for the applicant that the maintenance has also been filed by the applicant and interim maintenance was fixed at the rate of Rs.5,000/- per month, vide order, copy whereof is Annexure P-5. However, the same has not been paid by the respondent. In the given circumstances, it is submitted that it is difficult for the applicant to defend the petition under Section 9 of the Hindu Marriage Act, from the place of her residence.

In view of the submissions aforesaid and considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, considering the fact about the respondent having not come forward to resist the application; considering the fact of the minor son being in the care and custody of the applicant; considering the fact about three other cases arising from the matrimonial dispute, already pending in the Courts at Gohana, which are being pursued by the respondent; and also considering the fact of interim maintenance not being paid by the respondent, despite order passed by learned Family Court, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/5/2024, titled *'Ravi Vs.*

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

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

Pending civil miscellaneous application also stands disposed of.

(ARCHANA PURI)
JUDGE

13.05.2025
Himanshu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No

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