



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

Sr. No.119

TA-71-2025

Date of Decision: 19.08.2025

MONISHA ALIAS MOHNISHA

....Applicant

Versus

VISHAL

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Jainainder Saini, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that on the last date of hearing, despite service, the respondent did not make appearance. 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/161/2024 titled '*Vishal v/s Monisha*', filed by the respondent-husband, pending in the Family Court, Bhiwani 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, had taken place on 17.02.2018 and two sons born from the said wedlock, who are twins and



aged about 6 years, are in the care and custody of the applicant. On account of the matrimonial dispute, the applicant has got lodged an FIR No. 640 dated 14.09.2024 under Sections 323, 498A, 506 IPC and the challan has been presented in the same, which is now pending in the courts at Hisar. Besides the same, an execution is also pending, *vis-a-vis*, arrears of maintenance, in the courts at Hisar. There are arrears of about Rs.10,00,000/-. However, the respondent is not making appearance in the execution petition.

On query by the court, it is disclosed that the petition under Section 125 Cr.P.C., was allowed, after contest by the respondent and despite the same, he has not paid any arrears. On further query, it is also disclosed that the applicant is not having any source of earning. As such, it is difficult for her to commute a distance of about 80 kms, to defend the petition under Section 13 of Hindu Marriage Act.

In view of the aforesaid mitigating circumstances, more particularly, considering the fact of the applicant taking care of the two minor sons, while herself having no source of earning and also the fact that the respondent has not come forward to resist the transfer application, nor paying any arrears of maintenance to the applicant, despite the court order, it is just and expedient to allow the transfer application. As such, the transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/161/2024 titled '*Vishal v/s Monisha*', filed by the respondent-husband, stands transferred from the Family Court, Bhiwani to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid case be sent by the Family Court, Bhiwani, to the District and Sessions Judge, Hisar.

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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.

19.08.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No