



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

Sr. No.123

TA-1451-2024

Date of Decision: 28.03.2025

GEETA

....Applicant

Versus

SUNIL KUMAR

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. M.S. Gahlawat, Advocate for
Mr. J.S. Thind, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per office noting, service of the respondent has been duly effected. However, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

Learned 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/24/2024, titled '*Sunil Kumar Vs. Geeta*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the



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same to the Court of competent jurisdiction at Hisar.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 09.04.2019. Two children born from the said wedlock, are in the care and custody of the applicant. On account of the matrimonial dispute, the parties are entangled in litigation. The applicant had filed the petition under the Protection of Women from Domestic Violence Act, as well as the petition under Section 125 Cr.P.C., which are pending in the Courts at Hisar. The respondent has already made appearance in the petition filed under the Protection of Women from Domestic Violence Act. Also, the respondent has filed the petition under Section 25 of the Guardians and Wards Act i.e. GW/72/2024, which is also pending in the Courts at Hisar. Furthermore, it is submitted that the applicant is not working and as such, has no source of earning. She is totally dependent upon her widow mother. In these circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 120 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid fact situation, considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, when the respondent has not come forward to resist the application, taking into consideration the fact of the other litigations already pending in the Courts at Hisar, one amongst which is filed by the respondent himself and also considering the distance between the two places, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/24/2024, titled '*Sunil Kumar Vs. Geeta*', filed by the respondent-



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husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, 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.

28.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No