



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

Sr. No.108

TA-1454-2024

Date of Decision: 07.07.2025

**MADHU RANI**

...Applicant

Versus

**HARPREET SINGH @ HAPPY**

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Sumit Bhardwaj and Mr. Praduman Krishan, Advocates  
for the applicant.

None for the respondent.

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**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 on the subsequent date i.e. 22.05.2025, he had not made appearance. Today also, 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. HMA/205/2024, titled '*Harpreet Singh @ Happy Vs. Madhu Rani*', filed by the respondent-husband, pending in the Family Court, Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 21.10.2020. One daughter born from the said wedlock, who is about 2 years old, is in the care and



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custody of the respondent-husband. However, the applicant has filed the guardianship petition, for seeking custody of the child, which is pending in the Courts at Yamuna Nagar. Besides the same, the respondent is facing trial in the Courts at Yamuna Nagar, relating to FIR bearing No.412 dated 17.07.2024, under Sections 406 and 498-A IPC, got lodged by the applicant at Police Station Jagadhri City, District Yamuna Nagar. Besides the same, the applicant has also filed the petition under the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Yamuna Nagar, at appearance stage.

Also, it is submitted that the applicant is not working and as such, has no independent source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which was earlier pending in the Courts at Yamuna Nagar and has since been decided. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 170 kilometres, to defend the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that even though, generally the Courts give preference to the convenience of the wife, in case of transfer applications, relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances, surfaced from the material brought on record, ought to be taken into consideration. In the case in hand, even though, the minor daughter born from the wedlock of the parties to the lis, is in the custody of the respondent, but however, the applicant has filed the guardianship petition, which is pending in the Courts at Yamuna Nagar.

In view of the aforesaid fact situation and considering the fact of the respondent, having not come forward to resist the application, more



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particularly, while the respondent is facing trial in the criminal case, arising from the matrimonial dispute, in the Courts at Yamuna Nagar, as well as taking into consideration the fact of the applicant not having independent source of earning and also considering the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/205/2024, titled '*Harpreet Singh @ Happy Vs. Madhu Rani*', filed by the respondent-husband, stands transferred from the Family Court, Sangrur, to the Court of competent jurisdiction at Yamuna Nagar. The requisite record of the aforesaid case be sent by the Family Court, Sangrur, to the District and Sessions Judge, Yamuna Nagar.

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

**07.07.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No