



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

Sr. No.113

TA-1372-2024

Date of Decision: 07.03.2025

SANJEEDA

....Applicant

Versus

ABID KHAN

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Amandeep Kaur, Advocate for
Mr. G.S. Sandhu, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the civil suit i.e. CS/27/2024, filed for Restitution of Conjugal Rights, titled '*Abid Khan Vs. Sanjeeda*', filed by the respondent-husband. The said case is pending in the Family Court, Faridabad and the applicant seeks transfer of the same to the Court of competent jurisdiction at Karnal.

Upon notice issued, the respondent did not make appearance and as such, he is proceeded against *ex parte*.

Learned counsel for the applicant heard.

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 24.11.2004. Three children born from the said wedlock, are in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. Even, the applicant has filed the petition under Section 125 Cr.P.C., which has since been decided by the Courts at Karnal and now, the execution qua the same is pending in the Courts at Karnal only. Besides the same, she has filed the petition for seeking dissolution of marriage and the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are also pending in the Courts at Karnal. Also, it is submitted that the applicant is not having any source of earning and is totally dependent upon her parental family. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 160 kilometres, to defend the civil suit for Restitution of Conjugal Rights.

In view of the submissions aforesaid, 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 three children born from the wedlock are residing with the applicant and also considering the fact about the respondent having not come forward to contest the application, the transfer application is allowed and the civil suit i.e. CS/27/2024, filed for Restitution of Conjugal Rights, titled '*Abid Khan Vs. Sanjeeda*', filed by the respondent-husband, stands transferred from the Family Court, Faridabad, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court, Faridabad, to the District and Sessions Judge, Karnal.



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

07.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No