



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

Sr. No.117

**TA-1304-2024 (O&M)
Date of Decision: 21.03.2025**

DIKSHA KHURANA

...Applicant

Versus

RAJAN KUMAR BATRA

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Aakash Singla, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the last order, despite service, the respondent did not make appearance on that date. Even today, none has made appearance on his behalf. 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/42/2024, titled '*Rajan Kumar Vs. Diksha Khurana*', filed by the respondent-husband, pending in the Family Court, Sri Muktsar Sahib and she seeks transfer of the same to the Court of competent jurisdiction at Fazilka.



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It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 19.02.2017. However, on account of the matrimonial discord, the parties are residing separate. One son born from the said wedlock, who is about 7 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the applicant is presently residing at her parental place, along with her son. She has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/69/2024, which is pending in the Courts at Fazilka and the respondent is making appearance in the same. Besides the same, the application under Section 125 Cr.P.C. is also filed by the applicant, wherein, the respondent has been proceeded against *ex parte*. Furthermore, the applicant has got lodged an FIR bearing No.25 dated 14.03.2024, under Sections 406 and 498-A IPC and Section 4 of the Dowry Prohibition Act, at Police Station City, District Fazilka, relating to which untraced report has been furnished by the police authorities, which is still pending adjudication in the Courts at Fazilka. Also, it is submitted that the applicant is not working and as such, has no source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 65 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid and considering the position of law about preference to be given to the convenience of wife, in the transfer applications relating to the matrimonial dispute, more particularly, considering the respondent not having come forward to resist the application and also considering the fact about the applicant taking care of the minor child, while she herself is having no source of earning, the



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transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/42/2024, titled '*Rajan Kumar Vs. Diksha Khurana*', filed by the respondent-husband, stands transferred from the Family Court, Sri Muktsar Sahib, to the Court of competent jurisdiction at Fazilka. The requisite record of the aforesaid case be sent by the Family Court, Sri Muktsar Sahib, to the District and Sessions Judge, Fazilka.

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

Pending application also stands disposed of.

21.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No