

TA-611-2024

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

Sr. No.109

TA-611-2024

Date of Decision: 04.03.2025

MANITA

....Applicant

Versus

RAJESH KUMAR

....Respondent

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

Present:- Mr. Gurasis Singh, Advocate  
for the applicant.

Mr. Nikhil Sharma, Advocate  
for the respondent.

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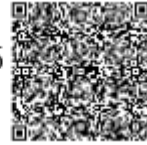
**ARCHANA PURI, J. (Oral)**

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/848/2023, titled '*Rajesh Kumar Vs. Manita*', filed by the respondent-husband, pending in the Family Court, Jind and she seeks transfer of the same to the Court of competent jurisdiction at Jhajjar.

In pursuance of the notice issued, respondent made appearance through counsel. The counsel for the respondent submits that he does not intend to file reply to the transfer application, though he contests the same.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage



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between the parties to the lis, had taken place on 12.02.2023. One son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant is residing with her parents. She has no source of earning and as such, is totally dependent upon her parental family. Moreover, she has filed the petition for seeking maintenance i.e. MNT/95/2024, which is pending in the Courts at Jhajjar, at appearance stage. Considering the same, it is submitted that it is difficult for the applicant to commute a distance of about 100 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent submits that it shall be inconvenient for the respondent also, to pursue the divorce petition, if so transferred.

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, considering the applicant to be taking care of the minor son and having no source of earning and also keeping in view the fact about the maintenance petition to be already pending in the Courts at Jhajjar, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/848/2023, titled '*Rajesh Kumar Vs. Manita*', filed by the respondent-husband, stands transferred from the Family Court, Jind, to the Court of competent jurisdiction at Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Jind, to the District and Sessions Judge, Jhajjar.



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

**04.03.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No