



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

Sr. No.235

TA-1366-2024

Date of Decision: 27.01.2025

SUCHITA

....Applicant

Versus

MANJEET JAGLAN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Shobhit Rapria, Advocate
for the applicant.

Mr. Namit Sharma, Advocate
for the respondent.

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. DMC/578/2024, titled '*Manjeet Jaglan Vs. Suchita*', filed by the respondent-husband, pending in the Family Court, Panipat and she seeks transfer of the same to the Court of competent jurisdiction at Sonipat.

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, though, he contests the transfer application.

Learned counsel for the parties 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 12.02.2010. Two sons were born from the said wedlock, the elder son is about 13 years old and the younger one is 11 years old. The elder son is in the care and custody of the respondent, whereas, the younger son is in the



care and custody of the applicant. Also, it is submitted that on account of the matrimonial discord, the parties are residing separate. The police complaint (Annexure P-1) was filed, at first instance, by the applicant, against the respondent, on the basis whereof, FIR was got registered in Sonipat, after filing of the present application. Furthermore, it is submitted that the applicant has filed the petition under the Protection of Women from Domestic Violence Act i.e. COMA/153/2024, as well as the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 i.e. MNT/158/2024, which are pending in the Courts at Sonipat and the respondent is contesting both the said petitions.

Moreover, it is submitted by the counsel for the applicant that the applicant is unemployed and has no means to maintain herself and the minor son. In these circumstances, it is submitted that it is difficult for her to commute a distance of about 70 kilometres, to defend the divorce petition, more particularly, while not having any source of earning and taking care of the school-going child.

On the contrary, the counsel for the respondent has refuted the claim for transfer of the divorce petition. In fact, he submits that the applicant can very well join the proceedings, if so required, through video conferencing. As such, he submits that the application be dismissed.

In view of the submissions aforesaid, on query by the Court, it is submitted by the counsel for the applicant that the applicant has still not joined the proceedings in the divorce petition, pending at Panipat.

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 and also considering



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the fact about the applicant not having any source of earning, more particularly, when she is required to engage the counsel at Panipat, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/578/2024, titled '*Manjeet Jaglan Vs. Suchita*', filed by the respondent-husband, stands transferred from the Family Court, Panipat, to the Court of competent jurisdiction at Sonipat. The requisite record of the aforesaid case be sent by the Family Court, Panipat, to the District and Sessions Judge, Sonipat.

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

27.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No