



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

Sr. No.129

TA-1221-2024

Date of Decision: 13.02.2025

KIRTI KUMARI DESHWAL

....Applicant

Versus

RAJINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Jyoti Chahal, Advocate
for the applicant.

Ms. Neha Gupta, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

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/685/2024, titled '*Rajinder Singh Vs. Kirti Kumari Deshwal*', filed by the respondent-husband, pending in the Family Court, Jagadhri and she seeks transfer of the same to the Court of competent jurisdiction at Bahadurgarh, District Jhajjar.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

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 03.04.2021. One son born from the said wedlock, who is about 2½ 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 not



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having any source of earning and is totally dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Bahadurgarh, at appearance stage. Also, it is submitted by the counsel for the applicant that after filing of the present application, the respondent has also filed the guardianship petition, which is pending in the Courts at Bahadurgarh.

On the contrary, the counsel for the respondent submits that the applicant can always travel to Yamunanagar, while being accompanied by her family members. The distance is not such, which is difficult for her to commute. Also further, it is admitted that the guardianship petition has been filed by the respondent, which is pending in the Courts at Bahadurgarh, District Jhajjar.

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, while the applicant is taking care of the minor son and also considering the fact about guardianship petition, filed by the respondent, to be pending in the Courts at Bahadurgarh, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/685/2024, titled '*Rajinder Singh Vs. Kirti Kumari Deshwal*', filed by the respondent-husband, stands transferred from the Family Court, Jagadhri, to the Court of competent jurisdiction at Bahadurgarh, District Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Jagadhri, to the District and Sessions Judge, Jhajjar.



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

The Court(s) concerned shall make an effort to accommodate the parties concerned, as far as possible, while taking up all the cases pending between the parties, on the same date.

13.02.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No