



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

Sr. No.404

**TA-892-2024 (O&M)
Date of Decision: 20.02.2025**

TARUNA

....Applicant

Versus

PARVEEN INSAN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Gurjot Kaur, Advocate for
Mr. Gurdarshan Singh, Advocate
for the applicant.

ARCHANA PURI, J. (Oral)

As per observations made in the order dated 17.02.2025, none had made appearance on behalf of the respondent, despite service having effected. Today also, none has made appearance on his behalf. As such, respondent is proceeded against *ex parte*.

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/120/2024 titled "*Parveen Insan v/s Taruna*", filed by the respondent/husband, which is pending in Family Court, Samalkha, District Panipat and she seeks transfer of the same to the court of competent jurisdiction at Sirsa.

Counsel for the applicant heard.

It is submitted by the counsel for the applicant that on account of matrimonial discord, the parties are residing separate. The applicant is not having any source of earning and therefore, she is residing at her



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parental place and is totally dependant upon her parental family. The applicant has also filed one petition under Section 125 Cr.P.C. i.e MNT/122/2024 as well as petition under Section 12 of the Domestic Violence Act i.e. COMA/33/2024, which are pending in the courts at Sirsa. Both the said cases are still at the appearance stage. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 250 kms, to defend the divorce petition.

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 when the respondent has not come forward to contest the transfer application and also considering the distance of the place where the petition is pending, from the place of her residence, the same is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/120/2024 titled "*Parveen Insan v/s Taruna*", filed by the respondent/husband, stands transferred from the Family Court, Samalkha, District Panipat, to the Court of competent jurisdiction at Sirsa. The requisite record of the aforesaid case be sent by the Family Court, Samalkha, to the District and Sessions Judge, Sirsa.

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

Pending application also stands disposed of.

(ARCHANA PURI)
JUDGE

20.02.2025

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Whether speaking/reasoned : Yes
Whether reportable : Yes/No