

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

TA-662-2024(O&M)

Date of Decision: February 21, 2025

Reena

...Applicant

Versus

Sikandar

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Manoj Chahal Advocate
for the applicant.

None for the respondent.

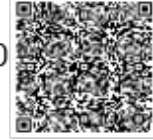
ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of petition under Section 9 of the Hindu Marriage Act, filed at the instance of the respondent-husband, pending in Family Court, Gurugram and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

In pursuance of the notice issued, respondent has not made appearance, despite service and as such, he is proceeded against ex-parte.

Learned counsel for the applicant heard.

It is submitted by learned counsel for the applicant that the marriage between the parties to the lis had taken place on 05.02.2019, but

**TA-662-2024****-2-**

no child was born from the said wedlock. However, due to matrimonial discord, the parties are residing separate. The applicant has also filed complaint under the Protection of Women from Domestic Violence Act i.e. COMA-33-2023, which is pending in the Courts at Bhiwani. Even, she has also filed an application under Section 125 Cr.P.C. for seeking maintenance i.e. MNT-125-2023, which is also pending in the Courts at Bhiwani. It is further submitted that the respondent is pursuing both the aforesaid cases.

In view of the aforesaid submissions, on further query by the Court, it is also submitted by learned counsel that the applicant is homemaker and as such, has no independent source of earning and she is dependent upon her parental family.

Considering the aforesaid submissions and also the position of law, about preference to be given to the wife, more particularly, while considering her to be having no source of earning and also taking into consideration, the fact of distance between the place of residence and the place, where the petition under Section 9 of the Hindu Marriage Act is pending, to be 150 kms. and also considering the fact of litigation, initiated at the instance of the applicant, pending in the Courts at Bhiwani, which are being pursued by the respondent, the present transfer application, as such, is hereby accepted and petition bearing No.HMA-765-2023, titled as 'Sikandar vs. Reena', filed under Section 9 of the Hindu Marriage Act, stands transferred from the Family Court, Gurugram, to the Court of competent jurisdiction at Bhiwani. The requisite record of the aforesaid petition shall be transferred by the Family Court, Gurugram, to District and

**TA-662-2024****-3-**

Sessions Judge, Bhiwani.

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

February 21, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No