



TA-1295-2024

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

Sr. No.205

TA-1295-2024

Date of Decision: 29.04.2025

KOMAL

....Applicant

Versus

MOHIT

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Balbir Kumar Saini, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 25.02.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

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/885/2022, titled '*Mohit Vs. Komal*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to



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the Court of competent jurisdiction at Gannaur, District Sonapat.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 03.03.2019. One son born from the said wedlock, who is about 4 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning and is totally dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.c., which is pending in the Courts at Gannaur and the respondent is making appearance in the same. Besides the same, even the respondent is facing trial in the case bearing FIR No.64 dated 09.02.2023, under Sections 34, 406, 498-A and 506 IPC, got lodged by the applicant at Police Station Gannaur, in the Courts at Gannaur.

In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 65 kilometres, on one side, to defend the divorce petition.

In view of the submissions aforesaid and considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the respondent has not come forward to resist the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/885/2022, titled '*Mohit Vs. Komal*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Gannaur, District Sonapat. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Sonapat.



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

29.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No