

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

**T.A NO. 704 OF 2019 (O&M)
DATE OF DECISION : 10.02.2020**

Sunita @ Simran

...Applicant

versus

Rajesh Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ravish Bansal, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 13 of the Hindu Marriage Act, 1955, bearing HMA No. 206 of 2014 titled as "Rajesh Kumar v. Sunita @ Simran" pending in the Court of District Judge, Family Court, Faridkot to any other Court of competent jurisdiction at Shri Muktsar Sahib.

2. Learned counsel for the applicant submits that earlier the respondent obtained ex parte decree in his favour. After getting knowledge about the same, the applicant moved application under order 9 Rule 13 CPC which was dismissed by the trial court. Applicant preferred FAO No. 3825 of 2017 before this Court which was allowed and ex parte decree of divorce was set-aside. The divorce petition was revived and directions have been given to the parties to appear in that case.

3. Learned counsel for the applicant further submits that applicant is a rustic villager and is not much educated. She is residing

with her brothers and is totally dependent upon them. She has no source of income. Two sons were born out of the wedlock. The custody of elder son namely Aditya is with the respondent, whereas the custody of younger son, namely Kashish, is with the applicant. It is very difficult for her to travel from her village Kotli Ablu to Faridkot, on each and every date of hearing.

4. Despite service, no one appeared on behalf of the respondent. Hence, this Court is of the view that the respondent/husband is deemed to have consented the present transfer application by not contesting the same.

5. I have heard learned counsel for the applicant and have gone through the records of the case.

6. In the premise, present application is allowed. The petition in question pending before the Court of District Judge, Family Court, Faridkot is ordered to be withdrawn from that Court and is transferred to District Judge, Shri Muktsar Sahib, for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 10, 2020
shalini

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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |