



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.120

TA-175-2024

Date of Decision: 09.12.2024

JYOTI SINDHI

....Applicant

Versus

PANKAJ JUNEJA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Akhil Ahuja, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 20.09.2024.

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/166/2023, titled ‘*Pankaj Juneja Vs. Jyoti Sindhi*’, filed by the respondent-husband, pending in the Family Court Jagraon, District Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Nabha, District Patiala.

In pursuance of the notice issued, respondent did not make appearance, despite service. As such, he was proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage



had taken place between the parties to the lis on 28.10.2020 and girl child was born on 05.08.2021, who is in the care and custody of the applicant. However, on account of the matrimonial discord, the parties are residing separate. The FIR bearing No.32 dated 15.04.2023, under Sections 406 and 498-A, was got registered by the applicant at Police Station Women, District Patiala, which is still under investigation. Besides the same, the applicant has filed two petitions under Section 125 Cr.P.C., for seeking maintenance for herself and her daughter and the same are pending in the Courts at Nabha, District Patiala.

Also, it is submitted that even though, the respondent is making appearance in the said maintenance petition, but however, he has not paid the interim maintenance, as fixed by the Family Court. Furthermore, it is submitted that the applicant is not having any independent source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act, filed by the respondent, more particularly, while taking care of the minor daughter.

Considering the submissions made by the counsel for the applicant and also considering the fact about convenience of the wife to be taken into consideration, as per the settled law, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/166/2023, titled '*Pankaj Juneja Vs. Jyoti Sindhi*', filed by the respondent-husband, stands transferred from the Family Court Jagraon, District Ludhiana, to the Court of competent jurisdiction at Nabha, District Patiala. The requisite record of the aforesaid case be sent by the Family Court, Jagraon, to the District and Sessions Judge, Patiala.



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

09.12.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No