

TA-415-2023

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

Sr. No.213

TA-415-2023

Date of Decision: 10.09.2024

DIKSHA DADWAL**....Applicant****Versus****PUNEET SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Sunil Agnihotri, Advocate
for the applicant.

Ms. Ramandeep Kaur, Advocate, for
Ms. Himani Kapila, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Learned counsel appearing on behalf of the respondent submits that though she does not intend to file reply, but she will be making submissions, as she is contesting the transfer application.

Learned counsel for the parties heard.

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/91/2023, titled '*Puneet Singh Vs. Diksha Dadwal*', filed by the respondent-husband, pending in Family Court Gurdaspur and she seeks transfer of the same to Family Court (Camp Court) Mukerian, District Hoshiarpur.

At the very outset, it is submitted by the counsel for the applicant that on account of the matrimonial discord, the parties are residing separate and one daughter born from the wedlock of the parties to the lis, who is aged 4 years

old, is presently in the care and custody of the applicant. Also, it is submitted that the said daughter is having a medical ailment, with regard to the joint pains and she is being treated in PGIMER, Chandigarh. The respondent has not bothered to pay any amount for her treatment. Even, the petition under Section 125 Cr.P.C. was filed at the instance of the applicant, which had since been decided by Family Court (Camp Court) Mukerian, District Hoshiarpur, but however, despite the order of maintenance, the respondent is not paying the same. The arrears were paid by the respondent, at one time, only by intervention of this Court.

Also, it is submitted that FIR bearing No.174 dated 15.11.2022 under Sections 406 and 498-A IPC, was got lodged by the applicant and challan has been presented in the same. The trial qua the said FIR is pending in the Courts at Mukerian. Furthermore, it is submitted that the applicant is a housewife and has no independent source of earning. She is totally dependent upon her parents. As such, it is submitted that it is difficult for the applicant to defend the petition under Section 9 of the Hindu Marriage Act, pending in the Courts at Gurdaspur, more particularly, while taking care of the minor child. As such, a prayer has been made for acceptance of the transfer application.

On the other hand, though the counsel for the respondent has not filed the reply, but however, she submits that the respondent is ready for the compromise, either way. However, the respondent has not made appearance today, in the Court. In the given circumstances, if there is any element of amicable settlement to be reached between the parties, the respondent may make appearance before the Court concerned and make such a submission.

In view of the submissions made by the counsel for the applicant, considering the convenience of the wife to be given a priority in the transfer applications, relating to the matrimonial disputes, considering the distance of Gurdaspur from Mukerian to be about 50 kilometres and also taking into consideration the fact of the minor child, who has medical ailment, being taken care of by the applicant, the application is hereby accepted and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/91/2023, titled '*Puneet Singh Vs. Diksha Dadwal*', filed by the respondent-husband, stands transferred from Family Court Gurdaspur, to Family Court (Camp Court) Mukerian, District Hoshiarpur. The requisite record of the aforesaid case be sent by Family Court Gurdaspur, to the District and Sessions Judge, Hoshiarpur.

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

10.09.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No