

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

Sr. No.109

TA-557-2023

Date of Decision: 25.09.2024

POOJA

....Applicant

Versus

PAWAN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nishchal Chetanya Manchanda, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act titled '*Pawan Kumar Vs. Pooja*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Shahabad, District Kurukshetra.

In pursuance of the notice issued, respondent did not make appearance, despite service. Even, on the previous dates, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage of the parties to the lis, had taken place on 13.03.2011. However, on account of the matrimonial discord, the parties are residing separate. The son born from the said wedlock, who is approximately 8 years old, is in the care and custody of the respondent. The applicant is living with her parental family and is not having any independent source of earning. The applicant has also filed the petition under Section 125 Cr.P.C., which is pending in Family Court (Camp Court) Shahabad, Kurukshetra. The respondent, even though, is making appearance in the said case, but however, till date, no maintenance has been paid. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 65 kilometres, to defend the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that it has been held time and again by the Courts that weightage ought to be given to the convenience of the wife, in case of the transfer applications filed *vis-a-vis* the matrimonial dispute. Considering the same, while the applicant is having no source of earning and also considering the distance between the place where the divorce petition is pending and the place of residence of the applicant, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act titled '*Pawan Kumar Vs. Pooja*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Shahabad, District Kurukshetra. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Kurukshetra.

TA-557-2023

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

25.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No