



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-709-2024(O&M)
Date of Decision: October 18, 2024

Pulkit
...Applicant

Versus

Kapil Sharma
...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Sumit Gupta, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, which is pending in the Family Court, Jagadhri and she seeks transfer of the same to the Court of competent jurisdiction at Karnal.

In pursuance of the notice issued by the Court, respondent has not made appearance and as such, he is proceeded against ex-parte.

Learned counsel for the applicant heard.

It is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on 28.10.2020. However, on account of matrimonial discord, the parties are residing separate. One son born from the wedlock of the parties is aged about 1½ years and he is presently in the care and custody of the applicant. Even, the applicant has filed petition under Section 125 Cr.P.C. as well as complaint



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under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Karnal. The applicant is not having any independent source of earning. In the given circumstances, it is difficult for her to commute a distance of about 65 kms., to defend the divorce petition, filed at the instance of the respondent, pending at Jagadhri.

In view of the submissions made by learned counsel for the applicant and also keeping in view the settled position of law about convenience of wife to be taken into consideration in the transfer applications, relating to matrimonial dispute, more particularly, considering minor child being in the custody of the applicant, the present transfer application, as such, is hereby accepted and petition bearing No.HMA-261-2024, titled as ‘Kapil Sharma vs. Pulkit’, filed under Section 13 of the Hindu Marriage Act, stands transferred from the Family Court, Jagadhri, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid divorce petition shall be transferred by the Family Court, Jagadhri to District and Sessions Judge, Karnal.

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

October 18, 2024
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No