

TA-834-2024

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

Sr. No.127

TA-834-2024

Date of Decision: 24.10.2024

SUNITA CHAWLA

....Applicant

Versus

RAVI KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vishal Munjal, 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 i.e. HMA/210/2024, titled '*Ravi Kumar Vs. Sunita Chawla*', filed by the respondent-husband, pending in the Family Court, Gurdaspur and she seeks transfer of the same to the Court of competent jurisdiction at Pathankot.

There is no representation on behalf of the respondent today. As observed in the previous order, he had not made appearance, despite service. 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 between the parties to the lis, had taken place on 18.02.2019 and one daughter was born from the said wedlock on 12.12.2019, who is presently in the care and custody of the applicant. On account of the matrimonial discord, the applicant has filed the petition under Section 125 Cr.P.C.,

TA-834-2024

wherein, interim maintenance was fixed, but however, the respondent thereafter, was proceeded against *ex parte* and the petition was allowed. Relating to the same, an execution is pending in the Family Court, Pathankot.

Besides the same, the respondent had filed the petition under the Guardians and Wards Act i.e. GW/61/2022, in the Courts at Gurdaspur, but however, the same was transferred by this Court to the Courts at Pathankot, vide order dated 08.12.2022, passed in TA-1520-2022. Likewise, the petition under Section 9 of the Hindu Marriage Act i.e. HMA/74/2022, was also filed by the respondent at Gurdaspur and vide order dated 12.12.2022, passed by this Court in TA-1534-2022, the same was also transferred to the Courts at Pathankot. Also, it is submitted that trial qua FIR bearing No.26 dated 03.05.2024, under Sections 498-A and 406 IPC, got lodged by the applicant at Police Station Narot Jaimal Singh, District Pathankot, is pending in the Courts at Pathankot. Respondent is making appearance in the same as accused. Considering the aforesaid litigation between the parties, a submission is made that it is difficult for the applicant, to defend the divorce petition, pending at Gurdaspur, more particularly, while taking care of the minor child.

In view of the submissions made aforesaid and also keeping in view the preference to be given to the convenience of the wife, in case of transfer applications, relating to the matrimonial dispute, the application is accepted and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/210/2024, titled '*Ravi Kumar Vs. Sunita Chawla*', filed by the respondent-husband, stands transferred from the Family Court, Gurdaspur, to the Court of competent jurisdiction at Pathankot. The requisite record of

TA-834-2024

the aforesaid case be sent by the Family Court Gurdaspur, to the District and Sessions Judge, Pathankot.

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

24.10.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No