



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.104

TA-1034-2024

Date of Decision: 13.12.2024

DEEPA LAMBA @ DEEPA

....Applicant

Versus

KAMAL ARORA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ankit Chowdhri, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 04.12.2024.

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/245/2023, titled '*Kamal Arora Vs. Deepa*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar.

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

Learned counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on



28.08.2018. One daughter was born from the said wedlock, who is about 4 years old and is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant has filed the petition for seeking divorce, the petition under the Protection of Women from Domestic Violence Act, as well as the petition under Section 125 Cr.P.C., copies whereof are Annexures P-2, P-3 and P-4, respectively. Also, it is submitted that in all the three said cases, the respondent is making appearance in the Courts at Yamuna Nagar. The daughter born from the wedlock of the parties, is student of L.K.G. in the school at Yamuna Nagar. Furthermore, it is submitted that the applicant is not working and as such, has no source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to defend the petition under Section 9 of the Hindu Marriage Act, from a distance of about 60 kilometres, more particularly, while taking care of the minor daughter.

In view of the aforesaid fact situation, considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute and also considering the fact that three cases between the parties are already pending in the Courts at Yamuna Nagar, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/245/2023, titled '*Kamal Arora Vs. Deepa*', filed by the respondent-husband, stands transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Yamuna Nagar. The requisite record of the aforesaid case be sent by the Family Court, Ambala, to the District and Sessions Judge, Yamuna Nagar.



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

13.12.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No