



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.250

TA-1581-2023 (O&M)
Date of Decision: 10.12.2024

KAJAL

....Applicant

Versus

GOURAV KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sham Lal Saha, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per office noting, service of respondent has been duly effected. However, none has made appearance on his behalf. As such, respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of Hindu Marriage Act i.e. HMA/212/2023, titled '*Gourav Kumar v/s Kajal*', filed by the respondent-husband, which is pending in the Family court, Malerkotla, to the court of competent jurisdiction at Karnal.

It is submitted by the counsel for the applicant that marriage between the parties had taken place on 06.07.2021 and no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. The applicant is the housewife and is not having any



source of earning. The father of the applicant is stated to be the handicapped person. In these circumstances, it is submitted that it is difficult for the applicant to defend the petition under Section 9 of Hindu Marriage Act, from a distance of about 195 kms, from the place of her residence.

Considering the submissions, so made by learned counsel for the applicant and also considering the fact about convenience of the wife to be taken into consideration, as per the settled law, without prejudice to the rights of the parties to be adjudicated on merits, the instant transfer application, as such, is hereby accepted and the petition under Section 11 of Hindu Marriage Act i.e. HMA/212/2023, titled ‘*GOURAV KUMAR V/S KAJAL*’, filed by the respondent-husband, stands transferred from the Family Court, Malerkotla to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid divorce petition be transferred by the Family Court, Malerkotla 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.

10.12.2024
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes/No