



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

Sr. No.109

TA-34-2024

Date of Decision: 10.03.2025

SMRITI RANI

....Applicant

Versus

INKU KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Pinki Mehla, Advocate
for the applicant
(through video conferencing).

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/303/2023, titled '*Inku Kumar Vs. Smriti Rani*', filed by the respondent-husband, pending in the Family Court, Kaithal and she seeks transfer of the same to the Court of competent jurisdiction at Tohana, District Fatehabad.

As observed in the order dated 14.02.2025, none had made appearance on behalf of the respondent, despite service. Even today, 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 between the parties to the lis, had taken place on 09.01.2022. One child was born from the said wedlock, who died after seven days of the birth. On account of the matrimonial discord, the parties are residing separate. The



TA-34-2024

applicant has no source of earning and is totally dependent upon her parental family. The applicant has got lodged an FIR under Sections 323, 34, 406 and 498-A IPC, at Police Station Tohana, which is pending investigation. Besides the same, she has also filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Tohana, at appearance stage. As such, a prayer is made for transfer of the divorce petition.

In view of the submissions aforesaid, considering the fact about the applicant having no source of earning and two cases already filed by her, which are pending in the Courts at Tohana and also considering the fact about the respondent having not come forward to contest the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/303/2023, titled '*Inku Kumar Vs. Smriti Rani*', filed by the respondent-husband, stands transferred from the Family Court, Kaithal, to the Court of competent jurisdiction at Tohana, District Fatehabad. The requisite record of the aforesaid case be sent by the Family Court, Kaithal, to the District and Sessions Judge, Fatehabad.

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

10.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No