



107 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

TA No. 174 of 2023 (O&M)  
DATE OF DECISION: 15.01.2025

INDU BALA

.....APPLICANT

Vs.

SUNIL KUMAR

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Chander Shekhar Singhal, Advocate,  
for the applicant.

None for the respondent.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present application under Section 24 of the Code of Civil Procedure has been filed by the applicant with a prayer to transfer the petition bearing No. HMA-338-2022, pending in the Court of learned Principal Judge, Family Court, Kharar, under Section 13 of the Hindu Marriage Act, 1955, (for short the '*Act of 1955*'), to the learned Principal Judge, Family Court having jurisdiction at District Ambala.

2. There is no representation on behalf of the respondent despite service and the respondent has already been proceeded against *ex parte*, vide order dated 07.01.2025.

3. Learned counsel for the applicant *inter alia* contends that the marriage of the applicant-wife was solemnized with the respondent-husband in District Ambala on 25.11.2012. Out of the said wedlock, a male child was born. The applicant was harassed, as such, she filed an



application to the Superintendent of Police, Ambala, on 12.09.2022, upon which an FIR was registered against the respondent and her in-laws under Sections 323, 498-A & 506 IPC.

3.1 It is further contended that the respondent has filed a divorce petition under Section 13 of the Act of 1955, which is pending before the learned Principal Judge, Family Court, Kharar (Annexure P-1). However, an application filed under Section 125 Cr.P.C. and a complaint under Sections 12/13/14/17/18/19/20/21/22/23 of the Protection of Women From Domestic Violence Act, 2005 (for short '*the DV Act*') by the petitioner are pending at Ambala (Annexures P-2 and P-3). It is difficult for the petitioner to travel a distance between Barara, Ambala, Kharar which is more than 96.5 kilometers approximately. The applicant is not having any source of income as such pendency of the aforesaid *lis* at Kharar is causing great hardship to the applicant.

4. Keeping in view the difficulty faced by the applicant and in view of the law laid down by Hon'ble the Supreme Court in Sumita Singh Vs. Kumar Sanjay and another AIR 2002 SC 396, Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi (2005) 12 SCC 237 and N.C.V. Aishwarya Vs. A.S.Saravana Karthik Sha 2022 SCC OnLine SC 1199, the present petition is allowed and petition under Section 13 of the Act of 1955 filed by the applicant bearing No.HMA-338-2022 pending in the Court of learned Principal Judge, Family Court, Kharar, is ordered to be withdrawn from learned Principal Judge, Family Court, Kharar and transferred to the learned Principal District Judge, Family Court, Ambala.



5. Application stands allowed.

January 15, 2025  
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(HARPREET KAUR JEEWAN)  
JUDGE

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|--------------------|--------|
| Whether Speaking   | Yes/No |
| Whether Reportable | Yes/No |