



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

Sr. No.109**TA-190-2024****Date of Decision: 13.05.2025****POONAM****....Applicant****Versus****RAKESH KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Virender Soni, Advocate for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that vide order dated 04.02.2025, despite service none had made appearance on behalf of the respondent, on that date. Even subsequently, none had appeared on behalf of the respondent. Today also, none has made appearance on his behalf. As such, respondent is proceeded against *ex parte*.

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13A of the Hindu Marriage Act i.e. DMC/1036/2023 titled “*Rakesh Kumar v/s Poonam*”, filed by the respondent/husband, which is pending in the courts at Rohtak and she seeks transfer of the same to the court of competent jurisdiction at Gohana, District Sonapat.

Counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 12.02.2016 and two children born from the said wedlock, are in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. Also, it is



submitted that the applicant is not having any source of earning, on which account, she together with the children, have filed petition under Section 125 Cr.P.C., which is pending in the courts at Gohana, copy whereof is Annexure P-2. Even, the applicant has filed complaint under Section 12, 18, 19, 20, 21, 22 and 23 of the Protection of Women from Domestic Violence Act, which is also pending in the courts at Gohana and the respondent is making appearance in both the said cases. Besides the same, the applicant had filed one complaint for initiation of action for demand of dowry, against the respondent, before SHO, City Gohana. However, the same is still pending inquiry. In the given circumstances, it is submitted that it is difficult for the applicant to defend the divorce petition from the place of her residence.

In view of the submissions made aforesaid and also taking into consideration the preference generally given by the courts to the convenience of wife in case of transfer applications, relating to the matrimonial disputes, more particularly, when the respondent has not come forward to resist the transfer application; taking into consideration the fact that the applicant is not having any source of earning and also taking care of the two minor children, as well as considering the fact of two other litigation arising from the matrimonial dispute, already pending at Gohana, which are being pursued by the respondent, the transfer application is hereby allowed and the petition under Section 13A of the Hindu Marriage Act i.e. DMC/1036/2023 titled "*Rakesh Kumar v/s Poonam*", filed by the respondent/husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Gohana, District Sonapat. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Sonapat.



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

13.05.2025
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(ARCHANA PURI)
JUDGE

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