



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

Sr. No.108

TA-183-2024

Date of Decision: 24.04.2025

MANJU BALA

....Applicant

Versus

PAWAN KUMAR SHARMA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arun Gupta, Advocate
for the applicant.

None for the respondent.

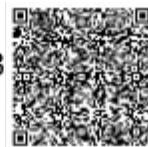
ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 05.02.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

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/2343/2023, titled '*Pawan Kumar Sharma Vs. Manju Bala*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 23.07.2022, but no child was born from the said wedlock. However, due to the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is



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not having any source of earning and is dependent upon her parental family. Even, the applicant has filed the petition under Section 125 Cr.P.C., as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Patiala and the respondent is making appearance in both the said petitions. Also, it is pointed out that the respondent is a government employee in the office of S.D.M., Amritsar. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 250 kilometres, from the place of her residence, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid and also taking into consideration the tendency of the Courts to lean towards the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is not having any source of earning and also taking into consideration the fact of two other cases already initiated by the applicant, which are pending in the Courts at Patiala, more particularly, when the respondent is pursuing the same and has not come forward to resist the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/2343/2023, titled '*Pawan Kumar Sharma Vs. Manju Bala*', filed by the respondent-husband, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Patiala.

Learned District and Sessions Judge, Patiala, shall assign the said petition to the Court, where two other cases arising from the matrimonial dispute of the parties, are already pending. The Court concerned shall make an endeavour to adjourn all the three cases, preferably for the



same date, while taking into consideration the convenience of the respondent also. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

24.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No