IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.116

TA-225-2024

Date of Decision: 06.02.2025

NISHU CHOPRA

....Applicant

Versus

GAGAN CHOPRA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Respondent proceeded against *ex parte*
vide order dated 23.01.2025.

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ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, titled *'Gagan Chopra Vs. Nishu Chopra',* filed by the respondent-husband, pending in the Family Court (Camp Court) Nakodar, District Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Faridkot.

In pursuance of the notice issued, respondent did not make appearance and as such, he was proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage

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between the parties to the lis, had taken place on 12.05.2006. Three children were born from the said wedlock, who are about 17 years old, 15 years old and 5 years old, respectively and are in the care and custody of the applicant. On account of the matrimonial discord, the parties are entangled in litigation. The applicant had filed the complaint under Section 12 of the Protection of Women from Domestic Violence Act and the petition under Section 125 Cr.P.C., which are pending in the Courts at Faridkot. Besides the same, she had filed an application for payment of the arrears of maintenane, which is also pending in the Courts at Faridkot. Also, an application was filed with regard to the interim maintenance fixed by the Family Court in the petition under the Protection of Women from Domestic Violence Act, which was allowed and to challenge the same, the respondent had filed an appeal before the Appellate Court, Faridkot, which has since been disposed of, after filing of the present application. Although, it is submitted that the applicant is working, as a Librarian in Government Senior Secondary School, Chandbaja, but however, on account of all the three children residing with the applicant, it is difficult for her to commute a distance of about 110 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act, more particularly, when four cases arising from the matrimonial dispute are already pending in the Courts at Faridkot.

In view of the aforesaid submissions and also considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act, titled *'Gagan Chopra Vs. Nishu Chopra',* filed by the respondent-husband, stands transferred from the Family Court (Camp Court)

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Nakodar, District Jalandhar, to the Court of competent jurisdiction at Faridkot. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Nakodar, to the District and Sessions Judge, Faridkot.

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

(ARCHANA PURI)
JUDGE

06.02.2025
Himanshu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No

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