



TA-393-2024

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

Sr. No.410

**TA-393-2024
Date of Decision: 25.03.2025**

GURJEET KAUR

....Applicant

Versus

PRINCE KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Rakhi Sharma, Legal Aid Counsel
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 07.02.2025.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 11 of the Hindu Marriage Act i.e. HMA/116/2023, titled '*Prince Kumar Vs. Gurjeet Kaur*', filed by the respondent-husband, pending in the Family Court, Mansa and she seeks transfer of the same to the Court of competent jurisdiction at Nabha, District Patiala.

Upon notice, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.



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Learned counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 20.03.2022, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. The applicant has filed the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/43/2024, which is pending in the Courts at Nabha and the respondent is making appearance in the same. Also, it is submitted that even though, the applicant is working as a Stamp Vendor at Tehsil Complex, Mandi Gobindgarh, but her earnings are too meagre i.e. to the extent of Rs.4,000/- to Rs.5,000/- per month. Her parents have since died and she is totally dependent upon her married brother. The distance between Mansa and Nabha is stated to be 90 kilometres. As such, a prayer has been made for acceptance of the transfer application.

In view of the submissions aforesaid and also considering the fact of the respondent having not come forward to resist the application and looking at the extent of earnings of the applicant, more particularly, considering the fact about the petition under Section 12 of the Protection of Women from Domestic Violence Act being pursued by the respondent at Nabha, the transfer application is allowed and the petition under Section 11 of the Hindu Marriage Act i.e. HMA/116/2023, titled '*Prince Kumar Vs. Gurjeet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Mansa, to the Court of competent jurisdiction at Nabha, District Patiala. The requisite record of the aforesaid case be sent by the Family Court, Mansa, to the District and Sessions Judge, Patiala.



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

25.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No