



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

Sr. No.228

**TA-400-2024 (O&M)
Date of Decision: 11.11.2025**

HITESHWARI

....Applicant

Versus

ASHOK KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rahul Sharma, Advocate for
Mr. B.S. Bhalla, Advocate for the applicant.

Respondent proceeded against *ex parte*
vide order dated 02.05.2025.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/75/2024, titled '*Ashok Kumar Vs. Hiteshwari*', filed by the respondent-husband, pending in the Family Court, Panchkula and she seeks transfer of the same to the Court of competent jurisdiction at Moga.

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

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 05.02.2023, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and as such, is dependent upon her parental family. On account of this estranged marriage, the applicant has



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filed the petition under Section 9 of the Hindu Marriage Act, as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Moga. In both the said cases, the respondent did not make appearance and as such, was proceeded against *ex parte*. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 200 kms., to defend the divorce petition.

Considering the aforesaid mitigating circumstances, more particularly, considering the fact about the respondent having not come forward to resist the application and his conduct in not making appearance in two other cases, arising from this broken marriage, which are pending in the Courts at Moga, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/75/2024, titled '*Ashok Kumar Vs. Hiteshwari*', filed by the respondent-husband, stands transferred from the Family Court, Panchkula, to the Court of competent jurisdiction at Moga. The requisite record of the aforesaid case be sent by the Family Court, Panchkula, to the District and Sessions Judge, Moga.

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

Pending civil miscellaneous application also stands disposed of.

11.11.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No