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

Sr. No.208**TA-413-2025****Date of Decision: 13.08.2025****SUNITA****....Applicant****Versus****GUDDU****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Kamaldeep Kaur, Legal Aid Counsel
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Ms. Kamaldeep Kaur has appeared as Legal Aid Counsel, on behalf of the applicant in lieu of Mr. Sunny Namdev, Advocate, who has since joined the office of learned Advocate General, Haryana.

As per the observations made in the order dated 13.05.2025, 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*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking



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transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/468/2023, titled '*Guddu Vs. Sunita*', filed by the respondent-husband, pending in the Family Court, Ambala 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 25.07.2015. Two children born from the said wedlock, who are in the age group of 2-7 years, are in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/1356/2023 and the petition under Section 125 Cr.P.C. i.e. MNT/79/2023, which are pending in the Courts at Patiala. Also, it is submitted that the applicant is not having any source of earning and as such, it is difficult for her to commute a distance of about 50 kilometres, to defend the divorce petition.

Considering the aforesaid mitigating circumstances and more particularly, when the applicant is taking care of two minor children, while she is not having any source of earning and also considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/468/2023, titled '*Guddu Vs. Sunita*', filed by the respondent-husband, stands transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court, Ambala, 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, Patiala. Even, the parties are directed to appear before the Family Court, Patiala, within a period of one month from today onwards.

13.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No