



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.109

TA-506-2024

Date of Decision: 07.03.2025

SUKHJIT KAURT @ SUKHJEET KAUR

....Applicant

Versus

SUMIT SAINI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

None for the respondent.

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/24/2024, titled '*Sumit Saini Vs. Sukhjeet Kaur*', filed by the respondent-husband, pending in the Family Court, Pathankot and she seeks transfer of the same to the Court of competent jurisdiction at Tarn Taran.

Perusal of the paperbook reveals that earlier, the respondent had made appearance through counsel, as observed in the order dated 24.09.2024. Thereafter, none had made appearance on behalf of the



respondent, despite multiple opportunities given and the case having called time and again, on the dates fixed. Even today, none has made appearance on behalf of the respondent. As such, the respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 01.01.2023, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. Also, it is submitted that the applicant has no source of earning and is totally dependent upon her parental family. She has filed one complaint before SSP, Tarn Taran, which has since been filed. During the pendency of the same, the applicant came to know about the divorce petition having filed by the respondent and thereafter, she had joined the proceedings. Considering the aforesaid, it is submitted that it is difficult for the applicant to commute a distance of about 135 kilometres to defend the divorce petition.

In view of the submissions made aforesaid and also considering the fact about the respondent having not come forward to contest the application, more particularly, when the applicant is not having any source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/24/2024, titled '*Sumit Saini Vs. Sukhjeet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Pathankot, to the Court of competent jurisdiction at Tarn Taran. The requisite record of the aforesaid case be sent by the Family Court, Pathankot, to the District and Sessions Judge, Tarn Taran.



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

07.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No