



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

**Sr. No.233**

**TA-648-2025**

**Date of Decision: 28.07.2025**

**SUNITA**

**....Applicant**

**Versus**

**DHARMBIR**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Bhupender Singh Ghangas, Advocate  
for the applicant.

None for the respondent.

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**ARCHANA PURI, J. (Oral)**

Perusal of the paperbook reveals that on the last date of hearing, despite service, the respondent did not make appearance. 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 transfer of the petition under Section 13(i) (ia) & (ib) of the Hindu Marriage Act i.e. HMA/239/2024, titled '*Dharambir v/s Sunita*', filed by the respondent-husband, pending in the Family Court, Panchkula and she seeks transfer of the same to the Family Court, Tosham, District Bhiwani.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 19.11.1999 and one daughter was born from the said wedlock. However, on account of matrimonial dispute, the parties are residing separate. The child is stated to be in the custody of the respondent and the applicant is not being allowed to meet her. The applicant is not having any source of earning and is dependant upon her parental family. The applicant has filed petition under



Section 125 Cr.P.C., which remained pending in the courts at Tosham, District Bhiwani and the respondent did not make appearance in the same. On account of same, the said petition was decided *ex parte* by the court, thereby fixing the maintenance. However, the execution is now pending to clear the arrears of maintenance. Besides the same, the respondent is facing trial in FIR No.75 dated 20.06.2019, in the courts at Bhiwani. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 300 kms, to defend the divorce petition.

Considering the aforesaid mitigating circumstances, more particularly, while taking into consideration the respondent having detained the child exclusively and also not coming forward to resist the claim for transfer and considering the fact that other litigation already pending in the courts at Tosham, District Bhiwani, the present application is hereby allowed and the petition under Section 13(i) (ia) & (ib) of the Hindu Marriage Act i.e. HMA/239/2024, titled ‘*Dharambir v/s Sunita*’, filed by the respondent-husband, stands transferred from the Family Court, Panchkula, to the Court of competent jurisdiction at Bhiwani. The requisite record of the aforesaid case be sent by the Family Court, Panchkula, to the District and Sessions Judge, Bhiwani.

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

28.07.2025  
Sonu

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No