



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

Sr. No.201

TA-720-2024

Date of Decision: 02.05.2025

SURINDER KAUR

....Applicant

Versus

SUSHIL KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sumit Kalyan, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the previous order, none had made appearance on behalf the respondent, on that date. Today also, none has made appearance on behalf of the respondent. As such, respondent is proceeded against *ex parte*.

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13(1)(i-a) & 13(1) (i-b) of the Hindu Marriage Act i.e. HMA/88/2024, titled “Sushil Kumar v/s Surinder Kaur”, filed by the respondent/husband, which is pending at Family Court Pathankot and she seeks transfer of the same to the court of competent jurisdiction at Hoshiarpur.

Counsel for the applicant heard.



At the very outset, counsel for the applicant submits that the applicant is serving as Constable in BSF and he is presently posted at STC, Kharkan Camp at Hoshiarpur. One daughter born from the wedlock of the parties to the lis, is in the care and custody of the applicant, who is school going. Besides the same, the applicant has filed one complaint under Section 12 of Protection of Women from Domestic Violence Act, which is pending in the courts at Hoshiarpur and the respondent is making appearance in the same. Even, the applicant has got lodged an FIR No.0150 dated 15.10.2020, under Section 406/498-A at Police Station, Haryana, in which respondent is facing trial in the courts at Hoshiarpur. Considering the aforesaid circumstances, it is submitted that it is difficult for the applicant, to pursue the divorce petition, from a distance of about 103 kms, more particularly, while considering her nature of job and also the fact of the minor daughter living with her.

In view of the aforesaid fact situation and also considering the fact that generally the courts give preference to the convenience of the wife in the transfer applications relating to the matrimonial disputes, more particularly, when the respondent has not come forward to resist the application as well as considering the nature of job of the applicant and the the applicant is taking care of the minor daughter, the transfer application is allowed and the petition under Section 13(1)(i-a) & 13(1) (i-b) of the Hindu Marriage Act i.e. HMA/88/2024, titled “Sushil Kumar v/s Surinder Kaur”, filed by the respondent/husband, stands transferred from the Family Court, Pathankot to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Pathankot to the District and Sessions Judge, Hoshiarpur.



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

02.05.2025
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned

Whether reportable

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Yes/No

Yes/No