



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

Sr. No.205

TA-840-2024

Date of Decision: 07.04.2025

RAKHI BISWAS

....Applicant

Versus

UJJAL BISWAS

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Lalita Kashyap, Advocate for
Mr. Namit Khurana, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 13.08.2024, despite service, the respondent did not make appearance on that date. Even today, the respondent has not made appearance. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/778/2024, titled '*Ujjal Biswas Vs. Rakhi Biswas*', filed by the respondent-husband, pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Karnal.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 05.09.2009. Two children



were born from the said wedlock, one daughter, who is aged about 14 years and one son, who is aged about 12 years. Both the children are presently in the care and custody of the applicant. On account of the matrimonial dispute, the applicant along with the minor children, was shunted out of the matrimonial home. Also, it is submitted that the applicant is not having any source of earning and as such, is totally dependent upon her parental family. The applicant has filed the petition under Section 125 Cr.P.C. i.e. MNT/100/2021, which is pending in the Courts at Karnal, wherein the respondent had not made appearance and the execution is still pending.

On query by the Court, it is disclosed by the counsel for the applicant that the execution relates to the arrears of interim maintenance. Besides the same, the applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Karnal, at appearance stage. Also, it is submitted that the distance between the two places is about 165 kilometres.

In view of the submissions aforesaid, considering the fact about the respondent not making appearance to resist the application, more particularly, when two other cases arising from the matrimonial dispute are already pending in the Courts at Karnal and also considering the fact about the applicant to be taking care of two children, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/778/2024, titled '*Ujjal Biswas Vs. Rakhi Biswas*', filed by the respondent-husband, stands transferred from the Family Court, Faridabad, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court, Faridabad, to the District and Sessions Judge, Karnal.



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

07.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No