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2025:PHHC:009021



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

Sr. No.110

TA-902-2024

Date of Decision: 22.01.2025

LAMINA

....Applicant

Versus

ASHISH KOHLI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sandeep Arora, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 04.12.2024.

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/11/2024, titled '*Ashish Kohli Vs. Lamina*', filed by the respondent-husband, pending in the Family Court (Camp Court) Sultanpur Lodhi, District Kapurthala and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

In pursuance of the notice issued, respondent did not make appearance and as such, he was 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 13.12.2018, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant is not having any source of earning. She has filed the petition under Section 144 of the



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Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Jalandhar and the respondent is pursuing the said petition. Also, it is submitted that the respondent is a practising Advocate in the Courts at Sultanpur Lodhi and therefore, exercise of influence is bound to be there. Keeping in view the aforesaid circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 60 kilometres, to defend the divorce petition.

In view of the aforesaid fact situation, considering the fact that the respondent has not come forth to contest the transfer application and also considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/11/2024, titled '*Ashish Kohli Vs. Lamina*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Sultanpur Lodhi, District Kapurthala, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Sultanpur Lodhi, to the District and Sessions Judge, Jalandhar.

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

22.01.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No