



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

Sr. No.118

TA-890-2024

Date of Decision: 23.01.2025

ROSHNI KAKKAR

....Applicant

Versus

YOGESH KAKKAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rahul Garg, Advocate for
Mr. Naveen Batra, Advocate for the applicant.

Respondent proceeded against *ex parte*
vide order dated 14.01.2025.

ARCHANA PURI, J. (Oral)

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/98/2024, titled '*Yogesh Kakkar Vs. Roshni Kakkar*', filed by the respondent-husband, pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

In pursuance of the notice issued, respondent did not make appearance and he was proceeded against *ex parte*.

Learned counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 26.04.2021. One son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. Also, it is submitted that on account of the matrimonial discord, the applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is pending in



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the Courts at Hoshiarpur. The respondent has not joined the proceedings, despite the notice issued by the Family Court. The applicant is not working and as such, has no independent source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 60 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid fact situation 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, more particularly, considering the fact that the respondent has not joined the proceedings to contest this application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/98/2024, titled '*Yogesh Kakkar Vs. Roshni Kakkar*', filed by the respondent-husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, Hoshiarpur.

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

23.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No