



TA-964-2023 (O&M)

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

Sr. No.101

TA-964-2023 (O&M)

Date of Decision: 26.05.2025

SANTOSH

....Applicant

Versus

PAWAN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Usha Rani Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that the respondent, at first instance, was proceeded against *ex parte*, vide order dated 21.03.2025, as none had made appearance on his behalf, for the last three consecutive dates prior to the date of passing of the said order. Thereafter, the respondent had made appearance again, on two dates. However, even today, none has made appearance on behalf of the respondent. As such, there is no necessity to wait for appearance of the respondent, as he had already been proceeded against *ex parte*.



TA-964-2023 (O&M)

The counsel for the applicant heard.

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/1127/2021, titled '*Pawan Kumar (Balmiki) Vs. Santosh (Balmiki)*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Kurukshetra.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 28.12.2012, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning and as such, is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT/122/2023, as well as the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/100/2023, which are pending in the Courts at Kurukshetra. The distance between the two places is stated to be about 50 kilometres.

Considering the mitigating circumstances aforesaid and also taking into consideration the fact of the respondent having not come forward to resist the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1127/2021, titled '*Pawan Kumar (Balmiki) Vs. Santosh (Balmiki)*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Kurukshetra. The requisite record of the aforesaid



TA-964-2023 (O&M)

case be sent by the Family Court, Karnal, to the District and Sessions Judge, Kurukshetra.

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

Pending civil miscellaneous application also stands disposed of.

26.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No