



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

Sr. No.230**TA-867-2025****Date of Decision: 08.09.2025****NEHA****....Applicant****Versus****VIMAL KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Kudrat Sareen, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that on the last date of hearing, despite service, the respondent did not make appearance. Even today, he 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. DMC/393/2025 titled '*Vimal Kumar v/s Neha*', filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at SBS Nagar.

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 10.04.2024 and one son born from the said wedlock, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant has filed petition under Section 144 of



Bharatiya Nagarik Suraksha Sanhita, for grant of maintenance, copy whereof is Annexure P-2, which is pending in the courts at Nawanshahar. The distance between the two places, where the petition under Section 9 of Hindu Marriage Act, is pending and where it is sought to be transferred, is about 104 kms.

In view of the aforesaid mitigating circumstances, more particularly, when the respondent has not come forward to resist the transfer application as well as taking into consideration the fact of the child to be in the care and custody of the applicant, who herself is not having any source of earning, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/393/2025 titled '*Vimal Kumar v/s Neha*', filed by the respondent-husband, stands transferred from the Family Court, Patiala to the Court of competent jurisdiction at SBS Nagar. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, SBS Nagar.

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

08.09.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No