



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

TA-973-2024 (O&M)
Date of Decision: November 03, 2025

Asha Rani
...Applicant

Versus

Pawan Kumar
...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Keshav Bhandari, Advocate for
Mr.M.S.Kathuria, Advocate
for the applicant.

Mr.Ketan Antil, Advocate
for the respondent.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-450-2024, titled ‘Pawan Kumar vs. Asha’, pending in the Family Court, Sonapat and she seeks transfer of the same to the Court of competent jurisdiction at Bahadurgarh, District Jhajjar.

In pursuance of the notice issued, the respondent made appearance through counsel and filed the reply.

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that the marriage between the parties to the lis had taken place on 20.06.2002 and one son born from the said wedlock, who is aged about 22

years, is in the care and custody of the applicant. However, on account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she is dependent upon her parental family. The applicant has also filed petition under Section 125 Cr.P.C., which is pending in the Courts at Bahadurgarh and the respondent is making appearance in the same. It is pointed out that the interim maintenance was fixed by the Court and despite the same, the respondent, who is a government teacher, has not paid any maintenance and now the arrears of the interim maintenance are to the extent of Rs.5 lakh, which is due, but however, the respondent is not paying the same. The distance between the two places is stated to be 65 kms.

On the other hand, learned counsel for the respondent, while making reference to the reply, resist the claim for transfer of the divorce petition. In fact, it is submitted that the respondent is a government teacher, employed in Government Primary School, Patla, Rai, Sonapat. Because of paucity of teachers in the said school, it shall be difficult for the respondent also to pursue the divorce petition, if so transferred.

On query by the Court, it is admitted by counsel for the respondent that arrears of interim maintenance to the extent of Rs.5 lakh, are still outstanding. On further query by the Court, it is submitted that petition under Section 125 Cr.P.C. is at the stage of final arguments.

Further, learned counsel for the respondents submits that the applicant may so file an execution to seek recovery of arrears of maintenance.

Considering the aforesaid fact situation and also taking into consideration the preference given by the Court to the convenience of the

wife, it is pertinent to note about the applicant not having any source of earning. Even though, the Court had affixed the amount of Rs.15,000/- per month as interim maintenance, as now disclosed by counsel for the applicant, but however, the arrears of interim maintenance, have not been paid. The amount due is huge, which is Rs.5 lakh. In fact, learned counsel for the respondent has further disclosed about the petition under Section 125 Cr.P.C., to be at the stage of final arguments and he also expressed disinclination, on the part of the respondent, in not making the payment of interim maintenance, despite order passed by the Court and submits about the applicant, having an option to file execution to seek recovery.

Considering the aforesaid constrained circumstances faced by the applicant, the transfer application, as such, is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-450-2024, titled ‘Pawan Kumar vs. Asha’, stands transferred from the Family Court, Sonapat, to the Court of competent jurisdiction at Bahadurgarh, District Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Sonapat to the District and Sessions Judge, Jhajjar.

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

November 03, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No