

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

Sr. No.115

TA-982-2024

Date of Decision: 14.02.2025

NANCY BABBAR

....Applicant

Versus

GAURAV WADHWA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

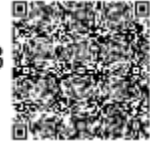
Present:- Mr. Arun Takhi, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 11.02.2025.

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. DMC/987/2023, titled '*Gaurav Wadhwa Vs. Nancy Babbar*', filed by the respondent-husband, pending in the Family Court (Camp Court) Nakodar, District 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 as such, 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 03.05.2017, but no child was born from the said wedlock. On account of the matrimonial discord, the parties are residing separate. Besides the divorce petition, filed by the respondent, even the applicant had got lodged an FIR bearing No.29 dated 12.02.2020, under Sections 406 and 498-A IPC, at Police Station Model Town, Hoshiarpur. Challan has been presented and the trial is going on in the Courts at Hoshiarpur. Even, she has filed the petition under Section 125 Cr.P.C. and the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Hoshiarpur. It is submitted that all the three cases are pursued by the respondent. The applicant is not having any source of earning and is dependent upon her parental family.

Keeping in view the aforesaid submissions, 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, when the respondent has not come forward to resist the claim for transfer of the case and also considering the fact of three other litigations, arising from the matrimonial dispute, to be already pending in the Courts at Hoshiarpur, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/987/2023, titled '*Gaurav Wadhwa Vs. Nancy Babbar*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Nakodar, District Jalandhar, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Nakodar, 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.

14.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No