



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.211

TA-907-2025

Date of Decision: 11.11.2025

PINKI

....Applicant

Versus

SUNIL MALIK

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nirmal Singh, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 25.09.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

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. DMC/198/2024, titled '*Sunil Malik Vs. Pinki*', filed by the respondent-husband, pending in the Family Court (Camp Court) Gohana, District Sonapat and she seeks transfer of the same to the Court of competent jurisdiction at Panipat.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 09.02.2010. From the said wedlock, three children were born, who are in the age group of 6-15 years



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and they are in the care and custody of the applicant. Also, it is submitted that earlier also, the respondent had filed the petition under Section 9 of the Hindu Marriage Act, at Gohana and on the basis of the order dated 18.08.2022 passed in TA-91-2022, the same was transferred to the Family Court, Panipat. Copy of the said order is Annexure P-2. Further, it is submitted that the petition under Section 125 Cr.P.C., is already pending in the Courts at Panipat and the respondent is making appearance in the same. The distance between the two places is stated to be about 45 kms.

While adjudicating on the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration. One distinctive circumstance can change the decision of the case. In the case in hand, there are three children born from the estranged marriage and the applicant, who herself is not having any source of earning, is taking care of them. Besides the same, the petition under Section 9 of the Hindu Marriage Act was transferred from Gohana Courts, to the Courts at Panipat, vide order dated 18.08.2022, copy whereof is Annexure P-2. Even, the respondent is already pursuing the petition under Section 125 Cr.P.C., pending in the Courts at Panipat.

Taking into consideration the aforesaid constrained circumstances, though the distance in itself is not of a longer duration and also considering the fact of three children being in the care and custody of the applicant, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/198/2024, titled '*Sunil Malik Vs. Pinki*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Gohana, District Sonapat, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case

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be sent by the Family Court (Camp Court) Gohana, to the District and Sessions Judge, Panipat.

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

11.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No