



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

Sr. No.110

TA-1030-2024

Date of Decision: 10.01.2025

POONAM DEVI

....Applicant

Versus

KASHMIRI LAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Respondent proceeded against *ex parte*
vide order dated 04.12.2024.

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. HMA/387/2024, titled '*Kashmiri Lal Vs. Poonam Devi*', 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 Panipat.

In pursuance of the notice issued, respondent did not make appearance and as such, he 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 was solemnized on 15.12.2006. From the said wedlock, two children were born, who are in the care and custody of the respondent. However, on account of the matrimonial discord, the parties are residing separate. The applicant has already filed the petition under Section

144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the petition under



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Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Panipat. Both the said cases are at the appearance stage. The applicant is not having any source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 60 kilometres, to defend the divorce petition.

Keeping in view the aforesaid fact situation, the fact that the respondent has not made appearance to resist the transfer application and also 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, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/387/2024, titled '*Kashmiri Lal Vs. Poonam Devi*', filed by the respondent-husband, stands transferred from the Family Court Karnal, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court, Karnal, 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.

10.01.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No