



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

Sr. No.118

**TA-1048-2024
Date of Decision: 05.03.2025**

SONIA

....Applicant

Versus

SURINDER KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Kamlesh, Advocate for
Mr. Parminder Singh, Advocate
for the applicant.

None for the respondent.

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/731/2023, titled '*Surinder Kumar Vs. Sonia*', filed by the respondent-husband, pending in the Family Court, Kurukshetra and she seeks transfer of the same to the Court of competent jurisdiction at Karnal.

As observed in the order dated 09.12.2024, none had made appearance on behalf of the respondent, despite service. Even today, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage



TA-1048-2024

between the parties to the lis, had taken place on 02.12.2014. One son born from the said wedlock, who is about 9 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the applicant has filed the complaint under the Protection of Women from Domestic Violence Act, bearing No.6 of 2019 and the petition under Section 125 Cr.P.C., which are pending in the Courts at Karnal and the respondent is making appearance in the same. Besides the same, the respondent is also facing trial, relating to FIR bearing No.419 dated 06.11.2017, under Sections 406, 420, 498-A and 506 IPC, got lodged by the applicant at Police Station Madhuban, District Karnal, in the Courts at Karnal. The applicant is not doing any work and is totally dependent upon her parental family. Also, it is submitted that though, the distance between Karnal and Kurukshetra is about 35 kilometres, but however, from her village i.e. Kutail, the distance of Kurukshetra Courts is about 50 kilometres.

In view of the submissions aforesaid 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, more particularly, taking into consideration the fact about three other cases arising from the matrimonial dispute to be already pending in the Courts at Karnal, which are being pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/731/2023, titled '*Surinder Kumar Vs. Sonia*', filed by the respondent-husband, stands transferred from the Family Court, Kurukshetra, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court, Kurukshetra, to the District and Sessions Judge, Karnal.



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

05.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No