



TA-1212-2024

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

Sr. No.203

TA-1212-2024

Date of Decision: 28.08.2025

KIRAN THAKUR**....Applicant****Versus****ROHIT JARIAL****....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Avtar Singh Bhatti, Advocate
for the applicant.

Mr. Munish Puri, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, titled '*Rohit Jarial v/s Kiran Thakur*', filed by the respondent-husband, pending in the Family Court, Hoshiarpur and she seeks transfer of the same to the Court of competent jurisdiction at Pathankot.

Upon notice, the respondent has made appearance through counsel and submits that he does not intend to file reply, though he contest the same.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the



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applicant that the marriage between the parties to the lis, had taken place on 13.08.2020 and one son born from the wedlock of the parties, who is about 2 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is dependant upon her parental family. She has filed petition under Section 125 Cr.P.C., and petition under Section 12 of Protection of Women from Domestic Violence Act, whihc are already pending in the courts at Pathankot and the respondent is making appearance in both the said cases. In these circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100 kms, to defend the petition under Section 9 of Hindu Marriage Act.

On the other hand, counsel for the respondent submits that the applicant has himself gone out of the matrimonial home. There is no bad conduct on the part of the respondent. Even, marriage performed by the parties, was the simple marriage.

In view of the mitigating circumstances aforesaid, more particularly, considering the fact of the child to be in the care and custody of the applicant, who herself is not having any source of earning and two other litigation already pending in the courts at Pathankot, which are being pursued by the respondent, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act, titled '*Rohit Jarial v/s Kiran Thakur*', filed by the respondent-husband, stands transferred from the Family Court, Hoshiarpur, to the Court of competent jurisdiction at Pathankot. The requisite record of the aforesaid case be sent by the Family Court, Hoshiarpur, to the District and Sessions Judge, Pathankot.



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

28.08.2025

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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No