



TA-1268-2024

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

Sr. No.203

TA-1268-2024 (O&M)
Date of Decision: 10.12.2025

MONIKA

....Applicant

Versus

RAJ KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pawan Kumar, Advocate and
Mr. Yashdev Kaushik, Advocate
for the applicant.

Ms. Anju Saini, Advocate
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/383/2024, titled '*Raj Kumar Vs. Monika*', filed by the respondent-husband, pending in the Family Court, Panchkula and she seeks transfer of the same to the Court of competent jurisdiction at Faridabad.

In pursuance of notice issued, the respondent made appearance through counsel and filed the reply.

Counsel for the parties heard.



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At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties, had taken place on 22.04.2022. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is dependent upon her parental family. The distance between the two places is 279 kilometres. Furthermore, she has also filed the petition under Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023 as well as, the petition under Sections 12 and 20 of the Protection of Women against Domestic Violence Act, which are pending in the Courts at Faridabad and the respondent is making appearance in the same. She has also filed complaint, with regard to dowry demand and harassment, at the instance of the respondent, at Police Post Parvatia Colony, Police Station, Saran, District Faridabad and the same is pending inquiry.

On the other hand, counsel for the respondent, while making reference to the reply, submits that in the divorce petition pending at Panchkula, the respondent was proceeded against *ex parte*. She has now filed an application for setting aside of the *ex parte* proceedings and the same is still pending.

Even though, much emphasis has been laid, by the counsel for the respondent, upon the applicant having been proceeded against *ex parte* in the divorce petition, but however, suffice to consider, for the purpose of transfer application, the applicant has now joined the proceedings, pending before learned Family Court, by way of filing an application for setting aside of the *ex parte* proceedings. Considering the same, also it is pertinent to



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mention that the applicant is not having any source of earning and two other litigations, arising from this matrimonial dispute, are already pending in the Courts at Faridabad, which are pursued by the respondent. Above it, also it has to be taken into consideration that the distance between two places is 279 kilometres.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/383/2024, titled '*Raj Kumar Vs. Monika*', filed by the respondent-husband, stands transferred from the Family Court, Panchkula, to the Court of competent jurisdiction at Faridabad. The requisite record of the aforesaid case be sent by the Family Court, Faridabad, to the District and Sessions Judge, Faridabad.

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

(ARCHANA PURI)
JUDGE

10.12.2025

Preeti S.

Whether speaking/reasoned : Yes

Whether reportable : Yes/No