



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

Sr. No.109

TA-1455-2024

Date of Decision: 15.09.2025

NISHA RANI

....Applicant

Versus**DINESH PARKASH**

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Ritu Manohar, Legal Aid Counsel
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that vide order dated 21.02.2025, it was observed that despite service, the respondent did not make appearance on that date. Even on the subsequent dates, he has not made appearance. Today also, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant-mother has filed the present application for seeking transfer of the petition under Section 25 of the Guardians and Wards Act i.e. GW/18/2024, titled '*Dinesh Parkash Vs. Nisha Rani*', filed by the respondent-father (husband of the applicant), pending in the Family Court, Yamuna Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Naraingarh, District Ambala.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 02.02.2017. One daughter



TA-1455-2024

was born from the said wedlock on 06.08.2018, who is in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. It is submitted that on account of this matrimonial dispute, petition under the Protection of Women from Domestic Violence Act, was filed, which was dismissed and thereupon, appeal i.e. CRA/133/2022 has been filed, which is pending in the Courts at Naraingarh. Also, it is submitted that the respondent had filed the divorce petition before the Courts at Naraingarh, which was dismissed in default and CM/18/2024, has been filed to seek restoration of the same, which is pending in the Courts at Naraingarh. Also, it is submitted that the applicant has filed the maintenance petition i.e. MNT-125/179/2020, which is also pending in the Courts at Naraingarh and the respondent is pursuing the same.

In the given circumstances, it is submitted that though the applicant has started working as temporary teacher, but however, with her earnings she can have bare existence and as such, it is difficult for her to commute a distance of about 50-60 kilometres, to defend the guardianship petition, which otherwise also, is not maintainable at Yamuna Nagar.

Considering the mitigating circumstances, as mentioned aforesaid, more particularly, considering the 'best interest' of the minor child, who is in the care and custody of the applicant, considering the other cases arising from the matrimonial dispute of the parents of the subject child, already pending in the Courts at Naraingarh and also considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed and the petition under Section 25 of the Guardians and Wards Act i.e. GW/18/2024, titled '*Dinesh Parkash Vs. Nisha Rani*', filed by the respondent-father (husband of the applicant),



stands transferred from the Family Court, Yamuna Nagar, to the Court of competent jurisdiction at Naraingarh, District Ambala. The requisite record of the aforesaid case be sent by the Family Court, Yamuna Nagar, to the District and Sessions Judge, Ambala.

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

15.09.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No