



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

Sr. No.206

**TA-1537-2024
Date of Decision: 08.05.2025**

PALAK SETHI @ PALAK

....Applicant

Versus

SAMAR MEHRA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Omkar Chauhan, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 27.03.2025, respondent did not make appearance on that date, despite service. Today also, none has made appearance on his behalf. As such, respondent is proceeded against *ex parte*.

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/1635/2024 titled “*Samar Mehra v/s Palak*”, filed by the respondent/husband, which is pending in the courts at Amritsar and she seeks transfer of the same to the court of competent jurisdiction at Kurukshetra.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 02.07.2018 and one son born from the said wedlock, is in the care and custody of the applicant. However, on account of matrimonial dispute, the parties are residing separate. The applicant is not working and as such, she has no source of earning. The



applicant has also filed petition under Section 125 Cr.P.C. i.e. MNT-254-2024 as well as complaint under Sections 12, 17, 18, 19, 20, 22 and 23 of Protection of Women from Domestic Violence Act. The said cases are pending in the courts at Kurukshetra, which are being pursued by the respondent. Even, the applicant has filed one complaint i.e. 4619 dated 17.08.2024, before Senior Superintendent of Police, Kurukshetra. On the basis whereof, an FIR No.82 dated 16.11.2024 under Section 316(2) and Section 85 of Bharatiya Nagarik Suraksha Sanhita, has been registered, wherein the challan has been presented and the respondent is making appearance in the same. Now, the case is fixed for framing of charges.

In the given circumstances, when three cases are already pending in the courts at Kurukshetra, the present application has been filed for seeking transfer of the divorce petition from Amritsar to Kurukshetra.

It is also submitted that the applicant is working as Senior Software Developer, but however, she is having work from home duty. On account of taking care of the minor daughter, it is difficult for her to commute a distance of about 338 kms to defend the divorce petition.

Considering the aforesaid and also taking into consideration the preference generally given by the courts to the convenience of the wife, more particularly, when the respondent has not come forward to resist the application and also he is making appearance in the three other cases arising from this matrimonial dispute, which are already pending in the courts at Kurukshetra and the applicant is taking care of the minor daughter as well as taking into consideration the distance between the two places to be about 338 kms, the transfer application, as such, is hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1635/2024 titled “*Samar Mehra v/s Palak*”, filed by the respondent/husband, stands



transferred from the Family Court, Amritsar to the Family Court, Kurukshetra. The requisite record of the aforesaid case be sent by the Family Court, Amritsar to the District and Sessions Judge, Kurukshetra.

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

08.05.2025
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No