



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

Sr. No.127

**TA-1541-2024
Date of Decision: 08.04.2025**

POONAM

....Applicant

Versus

NAVEEN AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Surinder Singh, Advocate
for the applicant.

None for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

As observed in the order dated 10.02.2025, despite service, respondent No.1, who is the sole contesting respondent, did not make appearance on that date. Even today, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1058/2024, titled '*Naveen Vs. Poonam and another*', filed by the respondent-husband, pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 13.07.2016. Two children



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were born from the said wedlock. In fact, it is pointed out that inadvertently, a mention was made in paragraph No.3 of the application, about the birth of two daughters from the said wedlock. However, now it is submitted that one daughter, aged 7 years and one son, aged 3 years, were born from the said wedlock and they are presently in the care and custody of the applicant. The applicant is not having any source of earning and is totally dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C./144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Chandigarh and respondent No.1 has made appearance in the same through counsel. Besides the same, there is stated to be no other litigation between the parties to the lis.

In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 251 kilometres from Chandigarh, to defend the divorce petition, while she is taking care of two children, more particularly, when respondent No.1 is already pursuing one other litigation arising from the matrimonial dispute, which is pending in the Courts at Chandigarh.

In view of the aforesaid submissions, considering the fact about the respondent having not come forward to resist the application, more particularly, considering the distance between the two places and also considering the fact about the applicant taking care of two minor children and having no source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1058/2024, titled '*Naveen Vs. Poonam and another*', filed by respondent No.1-husband, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent



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by the Family Court, Hisar, to the District and Sessions Judge, Chandigarh.

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

08.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No