



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

Sr. No.111

TA-1543-2024

Date of Decision: 10.07.2025

JYOTI

....Applicant

Versus

SUNIL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Jyoti Chahal, Advocate for
Mr. Ankit Chahal, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 01.05.2025.

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/1116/2023, titled '*Sunil Vs. Jyoti*' and the petition under Section 25 of the Guardians and Wards Act, filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Gohana, District Sonapat.

Upon notice, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.

The counsel for the applicant heard.

At this stage, the counsel for the applicant submits that she confines her prayer only for transfer of the divorce petition and not the guardianship petition.

It is submitted by the counsel for the applicant that the marriage



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between the parties to the lis, had taken place on 15.12.2014. Two sons were born from the said wedlock. The elder son is about 7 years old and is in the care and custody of the respondent-husband, whereas, the younger son, who is about 4 years old, is in the care and custody of the applicant-wife. On account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning. She has filed the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/56/2022, which is pending in the Courts at Gohana and the respondent is making appearance in the same. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 90 kilometres, to defend the litigation thrust upon her.

In view of the submissions aforesaid and also taking into consideration that generally the Courts lean towards the convenience of wife, in case of transfer application, relating to the matrimonial dispute, more particularly, when the respondent-husband has not come forward to resist the application; applicant not having any source of earning and also taking care of younger son aged about 4 years; one case already pending in the Courts at Gohana, which is being pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1116/2023, titled '*Sunil Vs. Jyoti*' , filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Gohana, District Sonapat. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Sonapat.



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

10.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No