Sr. No. 03

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

TrP(C) No. 5/2025
CM No. 1490/2025

Rajni Bala ….Petitioner(s)/Appellant(s)

Through :- Mr. Rahul Aggarwal, Advocate

V/s

Balbinder Kumar ….Respondent(s)

Through :- None

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
21.08.2026

1. This petition has been filed by the petitioner, i.e., the wife of the respondent for transfer of the petition filed by the respondent under Section 9 of the Hindu Marriage Act, pending before the court of learned Principal District Judge, Samba to the court of learned Principal District Judge, Kathua, on the ground that she has already filed a petition under Sections 12/23 of the Protection of Women from Domestic Violence Act 2005 before the learned Chief Judicial Magistrate, Kathua and it is not possible for her to attend the proceedings all alone at Samba.

2. Despite service, the respondent has not chosen to cause appearance. He is set *ex parte*.

3. Learned counsel for the petitioner submits that the respondent is already appearing before the learned Chief Judicial Magistrate, Kathua in the proceedings initiated by the petitioner under Sections 12/23 of the Protection of Women from Domestic Violence Act.

4. In view of the fact that the respondent has not chosen to oppose the present petition and particularly as the respondent is contesting the proceedings initiated by the petitioner under Sections 12/23 of the Protection of Women from Domestic Violence Act before the court of learned Chief Judicial Magistrate, Kathua, the present petition is allowed. The petition filed by the respondent under Section 9 of the Hindu Marriage Act bearing File No. 73/2024 pending before the court of learned Principal District Judge, Samba is transferred to the court of learned Principal District Judge, Kathua. The court of learned Principal District Judge, Samba shall transmit the record of the petition to the transferee court forthwith. Thereafter, the learned Principal District Judge, Kathua shall issue notice to both the parties and proceed in accordance with law.

5. ***Disposed of*** as above.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Rajnesh Oswal)
Judge

Jammu:
21.08.2026
Pawan Angotra