



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

Sr. No.114

TA-711-2025

Date of Decision: 16.01.2026

AMOLAK PARGAS KAUR ALIAS ROZY

....Applicant

Versus

GAURAV SURI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.P.S. Sidhu, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 26.08.2025.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the application under Order 9 Rule 13 read with Section 151 CPC i.e. CM-122-2021, titled '*Amolak Pargas Kaur @ Rozy Vs. Gaurav Suri*', filed at her instance to assail the *ex parte* judgment and decree dated 23.03.2021 and *ex parte* order dated 12.01.2021, passed in the divorce petition i.e. DMC/464/2020, titled '*Gaurav Suri Vs. Amolak Pargas Kaur @ Rozy*'. The said application is pending in the Family Court, Panipat and the applicant seeks transfer of the same to the Court of competent jurisdiction at Talwandi Sabo, District Bathinda.



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

Counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that initially, the respondent/husband had filed the petition under Section 13 of the Hindu Marriage Act i.e. DMC/464/2020, titled '*Gaurav Suri Vs. Amolak Pargas Kaur @ Rozy*', which was pending in the Courts at Panipat. However, to seek transfer of the divorce petition, the applicant had filed TA-67-2021, which was allowed vide order dated 23.09.2022.

Subsequently, it came to the notice of the applicant that the applicant was proceeded against *ex parte*, before learned Family Court and the divorce petition was decided, while passing an *ex parte* judgment and decree dated 23.03.2021. Thereupon, immediately the applicant filed an application i.e. CM-15091-CII-2023 in TA-67-2021, thereby seeking modification of the order dated 23.09.2022 passed in the transfer application, vide which the divorce petition was ordered to be transferred. However, the said application was dismissed by this Court, vide order dated 25.08.2023, copy whereof is Annexure A-1.

In the light of the aforesaid, it is submitted that soon after the applicant came to know about the *ex parte* judgment and decree having passed against her, she filed an application under Order 9 Rule 13 CPC, on 28.08.2023 and the same is now pending at Panipat. In the given circumstances, it is submitted that it was only under the bonafide impression about the proceedings to be not conducted, during the pendency of the

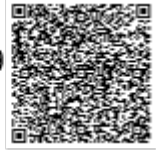


transfer application, that the applicant was proceeded against *ex parte* and *ex parte* judgment and decree of divorce had been passed against her.

Also, it is submitted that the applicant is taking care of one daughter, born from the wedlock of the parties, who is about 7 years old. Also, the distance between the two places is stated to be about 250 kms. on one side. In the given circumstances, it is submitted that it is difficult for the applicant, to pursue the litigation, which is pending at Panipat. Further, it is submitted that the petition under Section 125 Cr.P.C., filed by the applicant, is pending in the Courts at Talwandi Sabo and the respondent is making appearance in the same. The respondent is also facing trial in the Courts at Talwandi Sabo, relating to FIR bearing No.52 dated 21.03.2023.

Considering the submissions aforesaid, it is pertinent to mention that the applicant was proceeded against *ex parte* and *ex parte* judgment and decree of divorce was passed against her, prior to passing of the order passed in TA-67-2021. This is seemingly a fact, overlooked by the applicant, with regard to decision of the transfer application, which also pinpoints towards bonafide omission on the part of applicant in not pursuing the litigation, pending before learned Family Court, during the pendency of the transfer application i.e. TA-67-2021. No sooner the applicant came to know about the *ex parte* decree having passed and the order passed on the application i.e. CM-15091-CII-2023, she had filed an application under Order 9 Rule 13 CPC.

In view of the aforesaid fact situation and considering the manner of the proceedings having initiated, at the instance of the applicant; the fact of two other cases already pending in the Courts at Talwandi Sabo,



more particularly, the criminal case, wherein the respondent is required to make appearance on each and every date of hearing; the fact of minor daughter, aged about 7 years, being in the care and custody of the applicant and above it, considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed and the application under Order 9 Rule 13 read with Section 151 CPC i.e. CM-122-2021, titled '*Amolak Pargas Kaur @ Rozy Vs. Gaurav Suri*', filed at the instance of the applicant, stands transferred from the Family Court, Panipat, to the Court of competent jurisdiction at Talwandi Sabo, District Bathinda. The requisite record of the aforesaid application, as well as the petition under Section 13 of the Hindu Marriage Act i.e. DMC/464/2020, be sent by the Family Court, Panipat, to the District and Sessions Judge, Bathinda.

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

16.01.2026

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No