



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.119

TA-764-2025 (O&M)
Date of Decision: 11.02.2026

GURWINDER KAUR

....Applicant

Versus

HEM RAJ

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rajesh Kumar Kashyap, Advocate
for the applicant.

Mr. Uttam Singla, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-23905-CII-2025

The present application has been filed, at the behest of the respondent, for setting aside of the order dated 14.10.2025, passed by this Court, vide which, the respondent was proceeded against *ex parte*.

It is pertinent to mention that in view of recitals of paragraph No.3 of the application, the applicant/respondent is stated to be 100% disabled. Even, the disability card has been placed on record as Annexure D-1.

Without prejudice to the rights of the parties, to be adjudicated on merits of the case, the application is allowed and the *ex parte* proceedings against the respondent, are hereby set aside.



Along with the present application, reply has also been filed and the same is taken on record.

Main case

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/169/2022, titled '*Hem Raj Vs. Gurwinder Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Budhlada, District Mansa and she seeks transfer of the same to the Court of competent jurisdiction at Bathinda.

Upon notice issued, at first instance, the respondent made appearance. Thereafter, he was proceeded against *ex parte*. Today, the *ex parte* proceedings initiated against him have been set aside and even the reply filed is taken on record.

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 19.06.2020. The applicant has though, done M.Sc. in Fashion Designing, but however, on account of locomotor disability, to the extent of 70%, she is unable to walk properly, without assistance. The disability card of the applicant is Annexure P-2. Also, it is submitted that there is no child born from this estranged marriage. The applicant is not having any source of earning. She has filed the petition under the Protection of Women from Domestic Violence Act, which is pending in the Courts at Bathinda and the respondent has already joined the proceedings therein. Further, counsel submits that a representation was moved by the



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applicant, before SSP, Bathinda, vide Diary No.No.391-WC-22 dated 14.05.2022, but however, till date, no action has been taken on the same. The distance between the two places is stated to be about 100 kms.

On the other hand, counsel for the respondent submits that even the respondent is 100% disabled and his disability card has been placed on record as Annexure D-1. In the light of the same, it is submitted that it shall be too harsh for the respondent also to pursue the divorce petition, if the transfer application is accepted.

In view of the submissions aforesaid and the disability cards coming on record, unfortunately, both the applicant, as well as the respondent are having locomotor disability. The applicant is having 70% disability, whereas the respondent is having 100% disability. However, considering the same, also it is pertinent to mention that on account of the matrimonial dispute, the applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is pending in the Courts at Bathinda and the respondent is making appearance in the same.

In view of the aforesaid fact situation and precisely, considering the fact of other litigation, arising from the broken marriage, already pending in the Courts at Bathinda, 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/169/2022, titled '*Hem Raj Vs. Gurwinder Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Budhlada, District Mansa, to the Court of competent jurisdiction at Bathinda.



The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Budhlada, to the District and Sessions Judge, Bathinda.

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

However, the Court concerned, who further deals with the same, after the same is received by transfer, shall take into consideration about the physical disability suffered by both the applicant, as well as the respondent and take care of their convenience, while adjourning the case. Also, the Court concerned shall make an endeavour to secure presence of the parties through virtual mode, as and when required.

11.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No