



TA-1229-2025

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

Sr. No.230

TA-1229-2025

Date of Decision: 27.01.2026

POONAM ALIAS GUNJAN

....Applicant

Versus

CHELLU RAM

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Vini Mahajan, Advocate for
Mr. Nipun Vashist, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 21.01.2026.

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/1543/2023, titled '*Chellu Ram Vs. Poonam @ Gunjan*', filed by the respondent-husband, pending in the Family Court (Camp Court) Pataudi, District Gurugram and she seeks transfer of the same to the Court of competent jurisdiction at Bawal, District Rewari.

In pursuance of 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 the marriage between the parties to the lis, had taken place on 25.11.2013. However, matrimonial dispute arose between the parties, as a result whereof, they are residing separate. Two children born from this estranged marriage, who are in the age group of 8-11 years, are in the care and custody of the applicant. They are studying in the school at Jarthal. On query by this Court, it is disclosed that the applicant is not having any source of earning and she together with the minor children, is dependent upon her parental family.

Also, it is submitted that the applicant has filed the petition under the Protection of Women from Domestic Violence Act, as well as the petition under Section 125 Cr.P.C., which are pending in the Courts at Bawal. The respondent is making appearance in the petition filed under the Protection of Women from Domestic Violence Act, whereas, the petition under Section 125 Cr.P.C., is at appearance stage. Besides the same, the respondent is facing trial in the Courts at Bawal, relating to FIR bearing No.70 of 2024, under Sections 323, 406 and 498-A IPC, got lodged by the applicant at Police Station Kasola, District Rewari.

Furthermore, it is submitted that there is no proper transport connectivity between the village of the applicant and the Courts existing at Pataudi. In this regard, counsel makes reference to paragraph No.6 of the application, to reveal about the manner, in which the applicant is required to



commute by foot, auto-rickshaw and then catch the bus to reach the Courts at Pataudi.

Considering the aforesaid submissions, it is pertinent to mention that while adjudicating on the transfer application relating to the matrimonial dispute, the Courts ought to consider various factors. In the case in hand, the most weighing factor, which is spelt out from the material brought on record, is about the two children born from this estranged marriage, to be in the care and custody of the applicant, who herself has no source of earning. Also, the said children are studying in the school, existing in the parental village of the applicant. Besides the aforesaid, there are three other litigations, arising from this broken marriage, which are already pending in the Courts at Bawal, District Rewari. The respondent is already making appearance in the petition under the Protection of Women from Domestic Violence Act. Even, he is facing trial in the criminal case, wherein, he is required to make appearance, on each and every date of hearing. Though, the distance between the two places is about 32 kms., but however, on account of poor transport connectivity, as detailed in paragraph No.6 of the applicant, the journey to this extent also, is bound to be arduous and inconvenient for the applicant, to pursue to the litigation.

Considering the aforesaid constrained circumstances, faced by the applicant, more particularly, considering the custody of both the children with the applicant, while she herself is not having any source of earning and above it, considering the fact about the respondent, having not come forward to resist the application, the transfer application is allowed and the petition



under Section 13 of the Hindu Marriage Act i.e. HMA/1543/2023, titled ‘*Chellu Ram Vs. Poonam @ Gunjan*’, filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Pataudi, District Gurugram, to the Court of competent jurisdiction at Bawal, District Rewari. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Pataudi, to the District and Sessions Judge, Rewari.

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

27.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No