

TA-913-2024

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2025:PHHC:094516



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

Sr. No.201

TA-913-2024

Date of Decision: 29.07.2025

DIVYA

...Applicant

Versus

GAURAV VERMA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. C.S. Singhal, Advocate
for the applicant.

None for the respondent.

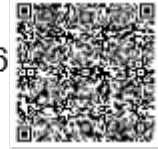
ARCHANA PURI, J. (Oral)

Even though, the respondent had made appearance through counsel on 05.02.2025 and 07.04.2025, but however, on the subsequent date none had made appearance on behalf of the respondent. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

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/247/2024, titled '*Gaurav Verma Vs. Divya*', as well as the guardianship petition i.e. GW/29/2024, titled '*Gaurav Verma Vs. Divya*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Kurukshetra.

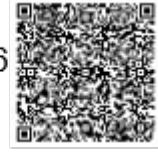
It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 05.10.2022. One daughter



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born from the said wedlock, who is about 2 years old, is in the care and custody of the respondent. It is also submitted that the applicant is not having any source of earning and as such, she has filed the petition for seeking maintenance i.e. MNT-125/143/2024 and the petition under the Protection of Women from Domestic Violence Act i.e. COMA/222/2024. Both the said cases are pending in the Courts at Kurukshetra and the respondent is pursuing same. Even, the applicant had got lodged an FIR under Section 498-A IPC, which is pending investigation. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 55 kilometres, to defend the aforesaid two cases.

In view of the submissions aforesaid, it is pertinent to mention that the child born from the wedlock of the parties, who is about 2 years old, is in the care and custody of the respondent. This is one of the important weighing factor, while adjudicating on the transfer applications relating to the matrimonial dispute. However, it is also required to be taken note of, that generally, the Courts lean towards the convenience of wife, while considering the transfer applications. However, this is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, though the child is in the custody of the respondent, but however, simultaneously, it is also required to be taken note of, that the applicant is not having any source of earning and she has already filed the petition for seeking maintenance, which is pending in the Courts at Kurukshetra and the same is being pursued by the respondent. Besides the same, the respondent is already making appearance in the petition under the Protection of Women from Domestic Violence Act, in the Courts at Kurukshetra. Apart from this, even an FIR is



asserted to have been lodged in Kurukshetra jurisdiction.

In view of the aforesaid fact situation and 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/247/2024, titled '*Gaurav Verma Vs. Divya*', as well as the guardianship petition i.e. GW/29/2024, titled '*Gaurav Verma Vs. Divya*', filed by the respondent-husband, stands transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Kurukshetra. The requisite record of the aforesaid cases be sent by the Family Court, Ambala, to the District and Sessions Judge, Kurukshetra.

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

29.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No