



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

Sr. No.237

**TA-1232-2024
Date of Decision: 07.08.2025**

KAJAL GHAI

...Applicant

Versus

SHIVA UPPAL

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Simranjit Singh, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that on the last date of hearing, despite service, the respondent did not make appearance. 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 9 of the Hindu Marriage Act i.e. HMA/21/2023, titled '*Shiva Uppal v/s Kajal Ghai*', filed by the respondent-husband, pending in the Family Court (Camp Court), Amloh, District Fatehgarh Sahib and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

At the very outset, it is submitted by the counsel for the applicant that on account of the matrimonial dispute, the parties are residing separate and one daughter born from the wedlock of the parties to the lis,



who is about 3 years old, is in the care and custody of the applicant. The applicant has no source of earning and is dependant upon her parental family. The applicant has filed the petition under Section 125 Cr.P.C., which is pending in the courts at Jalandhar and the respondent is pursuing the said petition. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 115 kms, to defend the petition under Section 9 of Hindu Marriage Act.

Considering the mitigating circumstances aforesaid, more particularly, taking into consideration the fact of the respondent having not come forward to resist the transfer application, the same is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/21/2023 titled '*Shiva Uppal v/s Kajal Ghai*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court), Amloh to the Court of competent jurisdiction at Family Court, Jalandhar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court), Amloh, District Fatehgarh Sahib, to the District and Sessions Judge, Jalandhar.

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

07.08.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No