



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

108

TA-1318-2024(O&M)  
Date of Decision: July 22, 2025

Shilpi Garg

...Applicant

Versus

Kamal Garg

...Respondent

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.Bhisham Kinger, Advocate  
for the applicant.

None for the respondent.

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**ARCHANA PURI, J.**

As observed in the previous order, despite service, none had made appearance on behalf of the respondent. Even today, none has made appearance on behalf of the respondent. As such, the respondent is proceeded against *ex parte*.

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, filed by respondent-husband bearing No.HMA-12277-2024, titled 'Kamal Garg vs. Shilpi Garg', which is pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Sangrur.

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At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on 27.10.2004, but however, due to matrimonial dispute, the parties are residing separate. Three children were born from the said wedlock. The eldest child, namely Rishav Garg is in the care and custody of the applicant, whereas, the second child, namely Harman Garg is in the care and custody of the respondent and the youngest son has been given in adoption to the sister of the respondent.

Also, it is submitted that the applicant is not having any source of earning and is dependent upon her parental family. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 79 kms. to defend the divorce petition pending at Ludhiana. Even, the applicant has filed petition under Section 125 Cr.P.C., which is pending in the Family Court, Sangrur and the respondent has also been proceeded against ex-parte in the said proceedings.

In the light of the mitigating circumstances, as stated aforesaid, more particularly, when one child, born from the wedlock, is in the care and custody of the applicant and she is not having any source of earning and also, taking into consideration the very fact of respondent, not coming forward to resist the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.HMA-12277-2024, titled 'Kamal Garg vs. Shilpi Garg', stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Sangrur. The requisite record of the aforesaid case

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be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Sangrur.

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

**July 22, 2025**  
Vgulati

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**Yes/No**