



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

Sr. No.223

TA-70-2025 (O&M)  
Date of Decision: 26.03.2025

**NEETA KUMARI****....Applicant****Versus****AMITPAL****....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Joginder Siwach, Advocate for the applicant.

None for the respondent.

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**ARCHANA PURI, J. (Oral)**

As observed in the order dated 03.03.2025, despite service, the respondent did not make appearance on that date. Even today, none has made appearance on his behalf. 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/221/2024, titled '*Amitpal Vs. Neeta Kumari*', filed by the respondent-husband, pending in the Family Court, Gurdaspur and she seeks transfer of the same to the Court of competent jurisdiction at Pathankot.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 20.10.2020. One daughter born from the said wedlock, who is about 3½ years old, is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant has filed the petition under the



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Protection of Women from Domestic Violence Act, which is pending in the Courts at Pathankot. Also, she has filed the petition under Section 125 Cr.P.C., wherein the respondent is making appearance. The applicant has also filed a complaint i.e. COMI/53/2023, under Sections 406 and 498-A IPC and the same is still pending at the pre-summoning stage. Also, it is submitted that the applicant is not having any source of earning and as such, is totally dependent upon her parental family.

In view of the aforesaid fact situation and also considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, when the respondent has not come forward to resist the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/221/2024, titled '*Amitpal Vs. Neeta Kumari*', filed by the respondent-husband, stands transferred from the Family Court, Gurdaspur, to the Court of competent jurisdiction at Pathankot. The requisite record of the aforesaid case be sent by the Family Court, Gurdaspur, to the District and Sessions Judge, Pathankot.

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

**26.03.2025**  
Himanshu

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

Whether speaking/reasoned : Yes

Whether reportable : Yes/No