



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

Sr. No.106

**TA-1306-2023
Date of Decision: 03.04.2025**

POOJA DHAWAN

....Applicant

Versus

GAURAV DHAWAN AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Ramandeep Kaur, Advocate
for the applicant.

Mr. Rahul Aggarwal, Advocate
for respondent No.1 (sole contesting respondent).

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/203/2022, titled '*Gaurav Dhawan Vs. Pooja Dhawan and others*', filed by the respondent-husband, pending in the Family Court, Tarn Taran and she seeks transfer of the same to the Court of competent jurisdiction at Ferozpur.

Upon notice issued, respondent No.1, who is the sole contesting respondent, made appearance through counsel and filed reply.

Learned counsel for the parties heard.



TA-1306-2023

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 07.12.2014. One son born from the said wedlock, who is about 7 years old, is in the care and custody of the respondent. On account of the matrimonial dispute, the parties are residing separate. The applicant was filed the petition under Section 125 Cr.P.C. i.e. MNT-125/16/2023, which was pending at the time of filing of the transfer application. However, the same has since been decided in favour of the applicant, after filing of the present application. Now, the execution application, relating to the same, is pending in the Courts at Ferozepur, but the respondent has not joined the proceedings. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 90 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent has refuted the claim for transfer of the divorce petition. In fact, he submits that it was on account of the adulterous relationship of the applicant, that the dispute arose between the parties. Also, it is submitted that the son born from the wedlock of the parties, is being taken care of, by the respondent. In view of the same, it is submitted that it shall be too harsh, if the transfer application is allowed and the divorce petition is transferred.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean in favour of convenience of the wife, in case of transfer applications relating to the matrimonial disputes. However, in the given case, no doubt as submitted by the counsel for the respondent that the son, who is about 7 years old, is in the care and custody of the respondent, but at the same time, it is also necessary to take into consideration that in the maintenance petition filed by the applicant, the



TA-1306-2023

respondent has been proceeded against *ex parte*. Even, the maintenance, which has been fixed, has not been paid by the respondent and now, the execution application is pending in the Courts at Ferozpur. When the applicant herself is not having any source of earning, it is bound to be inconvenient for her to defend the divorce petition, from a distance of about 90-95 kilometres.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/203/2022, titled '*Gaurav Dhawan Vs. Pooja Dhawan and others*', filed by the respondent-husband, stands transferred from the Family Court, Tarn Taran, to the Court of competent jurisdiction at Ferozpur. The requisite record of the aforesaid case be sent by the Family Court, Tarn Taran, to the District and Sessions Judge, Ferozpur.

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

03.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No