



TA-799-2024

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

Sr. No.203

TA-799-2024

Date of Decision: 24.03.2025

MONIKA DEVI**....Applicant****Versus****SATISH KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. A.S. Manaise, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 07.01.2025, 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 13 of the Hindu Marriage Act i.e. HMA/307/2024, titled '*Satish Kumar Vs. Monika Devi*', filed by the



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respondent-husband, pending in the Family Court, Pathankot and she seeks transfer of the same to the Court of competent jurisdiction at Gurdaspur.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 28.10.2020. One daughter born from the said wedlock, who is about 3 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 Protection of Women from Domestic Violence At i.e. COMA/81/2024, which is pending in the Courts at Gurdaspur and the same is at the appearance stage. Also, it is submitted that the applicant is not having any source of earning and thus, she is dependent upon her parental family. The respondent is working in Indian Army and earns Rs.70,000/- per month and he is not paying any maintenance to the applicant. In the given circumstances, it is submitted that it is difficult for the applicant to pursue the divorce petition, pending at Pathankot.

In view of the submissions aforesaid and also considering the factum of the applicant not having any independent source of earning, more particularly, while taking care of the minor child, coupled with 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/307/2024, titled '*Satish Kumar Vs. Monika Devi*', filed by the respondent-husband, stands transferred from the Family Court, Pathankot, to the Court of competent jurisdiction at Gurdaspur. The requisite record of the aforesaid case be sent by the Family Court, Pathankot,



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to the District and Sessions Judge, Gurdaspur.

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

24.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No