



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

**Sr. No.116**

**TA-1396-2024 (O&M)  
Date of Decision: 07.04.2025**

**SAPNA DEVI**

**....Applicant**

**Versus**

**DEVINDER KUMAR**

**.....Respondent**

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

Present:- Mr. Himanshu Bansal, Advocate for  
Mr. Rohit Joshi, Advocate  
for the applicant.

None for the respondent.

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

**CM-6498-CII-2025**

The present application has been filed at the instance of the applicant, for placing on record the copy of the plaint filed by the applicant, under Section 144 Cr.P.C.

In view of the averments made in the application, same is allowed and the requisite document is taken on record as Annexure A-6.

**Main case**

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/202/2024, titled '*Devinder Kumar Vs. Sapna Devi*', filed by the respondent-husband, pending in the Family Court, Pathankot and she seeks transfer of the same to the Court of competent jurisdiction at Mukerian District Hoshiarpur.

Upon notice, the respondent did not make appearance, despite



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service. As such, he is proceeded against *ex parte*.

The counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 05.02.2016. One daughter born from the said wedlock, who is about 4½ years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not doing any work and as such, is totally dependent upon her parental family. Also, it is submitted that the applicant has filed the petition under Section 144 Cr.P.C. i.e. MNT-125/66/2024, copy whereof is taken on record as Annexure A-6, today itself, vide CM-6498-CII-2025. The said petition is pending in the Courts at Mukerian and the respondent has made appearance in the same. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 60 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid submissions, considering the fact about the respondent having not come forward to resist the application and also considering the fact about one case arising from the matrimonial dispute, already pending in the Courts at Mukerian, which is pursued by the respondent, more particularly, when the applicant is taking care of the minor daughter, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/202/2024, titled '*Devinder Kumar Vs. Sapna Devi*', filed by the respondent-husband, stands transferred from the Family Court, Pathankot, to the Court of competent jurisdiction at Mukerian, District Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Pathankot, to the District and Sessions Judge, Hoshiarpur.



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

**07.04.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No