



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

**Sr. No.293**

**TA-470-2025**

**Date of Decision:22.08.2025**

**KAJAL SAINI @ KAJAL**

**....Applicant**

**Versus**

**DEEPAK**

**.....Respondent**

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

Present:- Mr. Govind Rana, Advocate for the applicant.

None for the respondent.

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

Perusal of the paperbook reveals that vide order dated 25.07.2025, despite service, the respondent did not make appearance. Even today, he has not made appearance. 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. DMC/856/2023, titled '*Deepak v/s Kajal*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

It is submitted that marriage between the parties had taken place on 30.05.2021, but no child was born from the said wedlock. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. Also, the applicant has filed petition under Section 125 Cr.P.C., which is pending in the Courts at Gurugram, in which, the respondent, who had earlier made appearance did not pay any



maintenance and on this account he has been detained behind the bars. The applicant has also filed petition under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Gurugram and the respondent is making appearance in the same. Besides the same, the respondent is also facing trial in a criminal case, relating to FIR No.108 dated 02.11.2023 under Section 498-A, 406, 506, 323 & 34 IPC. As such, it is submitted that it is difficult for the applicant to commute a distance of about 81 kms, to defend the petition under Section 9 of Hindu Marriage Act.

Considering the aforesaid mitigating circumstances and more particularly, the fact of applicant not having any source of earning and three litigation already pending in the courts at Gurugram, which are pursued by the respondent, as well as, the fact of respondent not paying any maintenance to the applicant and not having come forward to resist the transfer application, the same is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/856/2023, titled '*Deepak v/s Kajal*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid case be sent by the Family Court, Rohtak to the District and Sessions Judge, Gurugram.

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

**22.08.2025**

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

Whether speaking/reasoned : Yes  
Whether reportable : Yes/No