



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

Sr. No.128

TA-32-2025

Date of Decision: 26.03.2025

RICHA KHURANA

...Applicant

Versus

GAURAV MALIK

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rujhan Dhawan, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 19.03.2025, 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/1893/2024, titled '*Gaurav Malik Vs. Richa Khurana*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Tohana, District Fatehabad.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 23.11.2019. 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. Also, it is submitted that both the applicant, as well as the respondent are qualified MDS Dental professionals, who were running a dental clinic in Ludhiana. However, on account of this matrimonial dispute, the applicant returned back to her parental home and now, she is not doing any job. Presently, she is entirely dependent upon her parental family for financial support. The applicant had got lodged an FIR bearing No.487 dated 04.09.2024, under Sections 323, 34, 406, 498-A and 506 IPC, at Police Station City Tohana, District Fatehabad, wherein challan has already been presented in the Courts at Tohana and the respondent is making appearance in the same. Besides the same, she has also filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/75/2024, which is also pending in the Courts at Tohana and the respondent is making appearance in the said case as well.

In these circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 150 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, it is pertinent to mention that even though, the applicant is a professional person, but however, on account of this matrimonial dispute, she is now stated to be not pursuing her profession 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 and also keeping in view the fact about the minor daughter being



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in the care and custody of the applicant, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1893/2024, titled '*Gaurav Malik Vs. Richa Khurana*', filed by the respondent-husband, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Tohana, District Fatehabad. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Fatehabad.

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

26.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No