



TA-1061-2024

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

Sr. No.204

TA-1061-2024

Date of Decision: 22.07.2025

RAJNI ARYA

...Applicant

Versus

YOGESH KUMAR

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Deepak Goyal, Advocate
for the applicant
(through video conferencing).

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that Mr. Amit Kumar Walia, Advocate, had appeared on behalf of the respondent and filed Power of Attorney on 09.12.2024 and since then, reply has not been filed. Today none has made appearance on behalf of the respondent. Hence, 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/260/2023, titled '*Yogesh Kumar Vs. Rajni Arya*', filed by the



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respondent-husband, pending in the Family Court (Camp Court) Sunam, District Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Abohar, District Fazilka.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 24.01.2022. However, on account of the matrimonial dispute, the parties are residing separate. One son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. The applicant is not having any source of earning and as such, is dependent upon her parental family. Also, it is submitted that the applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is pending in the Courts at Abohar. Even, no maintenance is paid by the respondent. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 180 kilometres to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid mitigating circumstances, more particularly, when the respondent has not come forward to resist the application and also considering the very fact of the applicant taking care of the son born from the wedlock, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/260/2023, titled '*Yogesh Kumar Vs. Rajni Arya*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Sunam, District Sangrur, to the Court of competent jurisdiction at Abohar, District Fazilka. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Sunam, to the District and Sessions Judge, Fazilka.



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

22.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No