

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

Sr. No.111

**TA-725-2024
Date of Decision: 20.01.2025**

POOJA RANI

...Applicant

Versus

VIKRANT

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nonish Kumar, Advocate
for the applicant.

None for the respondent.

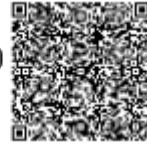
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13-A of the Hindu Marriage Act i.e. HMA/79/2024, titled '*Vikrant Vs. Pooja Rani*', filed by the respondent-husband, pending in the Family Court, Kaithal and she seeks transfer of the same to the Court of competent jurisdiction at Karnal.

In pursuance of the notice issued, respondent did not make appearance. Perusal of the previous order reveals that despite service, the respondent had not made appearance on the last date of hearing also. Hence, the respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

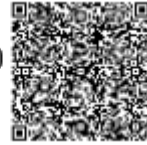
It is submitted by the counsel for the applicant that the marriage



between the parties to the lis, had taken place on 28.10.2020, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. Earlier also, the petition for seeking divorce was filed, which was withdrawn on account of the amicable settlement, on the basis whereof, the petition under Section 13-B of the Hindu Marriage Act, was filed before the Family Court, Karnal. Even, the statements of first motion were recorded. However, the respondent was not inclined to comply with the terms settled, as a result whereof, the petition under Section 13-B of the Hindu Marriage Act, was dismissed as withdrawn.

Even, it is submitted that FIR bearing No.5 dated 20.03.2024, under Sections 323, 406, 498-A and 506 IPC, got lodged by the applicant at Women Police Station Assandh, District Karnal, is pending investigation. Also, the petition under Section 125 Cr.P.C., filed by the applicant, is pending in the Family Court, Karnal. The applicant is not having any source of earning, as she is pursuing her graduation. As such, a prayer has been made for transfer of the divorce petition.

In view of the aforesaid fact situation, considering the fact that the respondent has not come forth to resist the transfer application 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, the transfer application is allowed and the petition under Section 13-A of the Hindu Marriage Act i.e. HMA/79/2024, titled '*Vikrant Vs. Pooja Rani*', filed by the respondent-husband, stands transferred from the Family Court, Kaithal, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court, Kaithal, to the District and Sessions Judge, Karnal.



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

20.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No