

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

TA-1209-2023(O&M)

Date of Decision: April 02, 2025

Pooja Dhiman

...Applicant

Versus

Amit Kumar

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Naveen Kumar, Advocate for
Mr.Anuj Balian, Advocate
for the applicant.

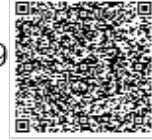
None for the respondent.

ARCHANA PURI, J.

Perusal of the order dated 04.03.2025 reveals that none had made appearance on behalf of the respondent, despite service. Even today, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.HMA-47-2021, titled 'Amit Kumar vs. Pooja', which is pending in the Family Court, Yamunanagar and she seeks transfer of the same to the Court of competent jurisdiction at Ambala.

**TA-1209-2023****-2-**

It is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on 07.02.2021, but no child was born from the said wedlock. However, on account of matrimonial discord, the parties are residing separate. The applicant has filed petition under Section 125 Cr.P.C., which is pending in the Courts at Ambala. Even, petition under Section 12 of Protection of Women from Domestic Violence Act, has also been filed by the applicant, which is also pending in the Courts at Ambala.

Also, it is submitted that respondent is making appearance in both the aforesaid cases. Besides the same, even challan has been presented against the respondent, relating to FIR No.376 dated 02.05.2021 under Sections 323, 406 and 498-A IPC, which is pending before the trial Court, Ambala. Further, it is submitted that the applicant is not having any source of earning and is totally dependent upon her parental family.

Considering the aforesaid submissions and also about the preference given to the convenience of the wife, more particularly, when the respondent has not come forward to contest the transfer application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.HMA-47-2021, titled 'Amit Kumar vs. Pooja', stands transferred from the Family Court, Yamunanagar, to the Court of competent jurisdiction at Ambala. The requisite record of the aforesaid case be sent by the Family Court, Yamunanagar, to the District and Sessions Judge, Ambala.

Learned District and Sessions Judge, Ambala, shall assign the



TA-1209-2023

-3-

said petition to the Family Court, Ambala. Even, the parties are directed to appear before the Family Court, Ambala, within a period of one month from today onwards.

April 02, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No