



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

Sr. No.259

TA-1368-2024

Date of Decision: 19.08.2025

SARITA

....Applicant

Versus

JITENDER

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Yash Goyal, Advocate for
Mr. Tanmoy Gupta, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 07.05.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. 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 i.e. DMC/300/2023, titled '*Jitender Vs. Sarita*', filed by the respondent-husband, pending in the Family Court (Camp Court) Bawal, District Rewari and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.



It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 29.10.2009. One daughter born from the said wedlock, who is about 14 years old, is in the care and custody of the applicant. She is studying in Gurugram in 9th class.

On query by this Court, it is submitted by the counsel that the applicant is not having any source of earning. She has filed the petition under the Protection of Women from Domestic Violence Act i.e. DV/06/2017, as well as the complaint i.e. COMI/664/2014, which are pending in the Courts at Gurugram. The respondent is making appearance in the petition under the Protection of Women from Domestic Violence Act. Besides the same, the applicant has also filed two execution petitions i.e. CRM/188/2020 and CRM/105/2022, in pursuance of the maintenance fixed in the petition under Section 125 Cr.P.C. Even though, the respondent is making appearance in the same, but however, he has not paid the maintenance. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 65 kilometres, to defend the divorce petition.

In view of the aforesaid mitigating circumstances, more particularly, when the grown up daughter is residing with the applicant and considering the fact about respondent having not come forward to resist the application and also considering the litigation already pending in Gurugram, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/300/2023, titled '*Jitender Vs. Sarita*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Bawal, District Rewari, to the Court of competent jurisdiction at



Gurugram. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Bawal, 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.

19.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No