

TA-772-2024

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

Sr. No.202

TA-772-2024

Date of Decision: 29.04.2025

NAVPREET KAUR

...Applicant

Versus

PAWAN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ankit Gupta, Advocate
for the applicant.

Respondent proceeded against *ex parte*,
vide order dated 24.04.2025.

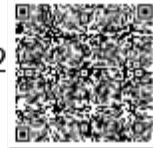
ARCHANA PURI, J. (Oral)

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA-257-2024 titled "Pawan Kumar v/s Navpreet Kaur", filed by the respondent/husband, which is pending in the Family Courts, Panchkula and she seeks transfer of the same to the court of competent jurisdiction at Hoshiarpur.

Upon notice, the respondent did not made appearance and as such, was proceeded against *ex parte*.

Counsel for the applicant heard.

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



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between the parties was solemnized on 12.10.2020 and no child was born from the said wedlock. On account of matrimonial discord, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning and she is dependent upon her parental family. It is further submitted that the applicant has filed petition under Section 125 Cr.P.C., which has since been decided *ex parte* and complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which is pending in the Courts at Hoshiarpur and the respondent is making appearance in the same. Besides the same, she has also filed a criminal complaint under Section 406, 498-A, 506, 120-B IPC, which is still at a pre-summoning stage.

In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 145 kms (one side) from the place of her residence to defend the petition under Section 13 of Hindu Marriage Act.

In view of the aforesaid fact situation and also considering the fact that generally the courts give preference to the convenience of the wife in the transfer applications, relating to the matrimonial disputes, more particularly, when the respondent has not come forward to contest the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA-257-2024 titled “Pawan Kumar v/s Navpreet Kaur”, filed by the respondent/husband, stands transferred from the Family Court, Panchkula, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Panchkula, to the District and Sessions Judge, Hoshiarpur.



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

29.04.2025

Anu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : Yes/No