

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

**Sr. No.117**

**TA-139-2025**

**Date of Decision: 26.05.2025**

**SHIVALI**

**....Applicant**

**Versus**

**SONU**

**....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Abhishek Singla and Ms. Tanya Sehgal, Advocates  
for the applicant.

Mr. Inderpreet Singh Kang, Advocate  
for the respondent.

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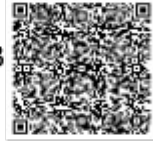
**ARCHANA PURI, J. (Oral)**

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/249/2024, titled '*Sonu Vs. Shivali*', filed by the respondent-husband, pending in the Family Court Kharar, District SAS Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar.

Upon notice, the respondent made appearance through counsel and filed reply.

The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on



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18.01.2019. One son born from the said wedlock, who is about 4 years old, is in the care and custody of the applicant. He is studying in a school at Yamuna Nagar. On account of the matrimonial dispute, the parties are residing separate. The respondent is facing trial in the Courts at Yamuna Nagar, relating to FIR bearing No.473 dated 17.05.2024, under Sections 323, 406, 498-A and 506 IPC, got lodged by the applicant. Besides the same, the applicant had also filed the petition under Section 125 Cr.P.C., for seeking maintenance for herself, as well as her son, which is also pending in the Courts at Yamuna Nagar and the respondent is pursuing the same. Also, it is submitted by the counsel that though, earlier the applicant was working as Sales Executive with MAX Life Insurance Company, till 29.04.2024, but however, on account of separation, due to constrained circumstances, she could not continue with her job. Further, it is submitted that she is not doing any job, at present.

On the other hand, the counsel for the respondent, while making reference to the reply and the annexures filed, submits that even though, the respondent is pursuing both the cases, as detailed aforesaid, in the Courts at Yamuna Nagar, but however, the applicant is not making appearance in the criminal trial. The counsel has made reference to the zimini orders passed by learned Trial Court, copies whereof have been annexed with the reply. In fact, the counsel submits thatailable warrants were issued by learned Trial Court.

Even though, allegedly the applicant did not make appearance before the criminal Court, but however, the Court concerned shall deal with the same, in an appropriate manner, as it is submitted by the counsel for the



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applicant that on account of some miscommunication of the applicant with the Trial Court Counsel, she could not make appearance.

In view of the aforesaid submissions and considering the fact of the applicant not working at present and also taking care of 4 years old son; two other cases already pending in the Courts at Yamuna Nagar, which are being pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/249/2024, titled '*Sonu Vs. Shivali*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Kharar, District SAS Nagar, to the Court of competent jurisdiction at Yamuna Nagar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Kharar, to the District and Sessions Judge, Yamuna Nagar.

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

**26.05.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No