



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

Sr. No.104

**TA-616-2023
Date of Decision: 07.03.2025**

SIMRAN

....Applicant

Versus

AJAY SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Samdish Sahdev, 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 of the Hindu Marriage Act i.e. HMA/173/2023, titled '*Ajay Singh Vs. Simran*', filed by the respondent-husband, pending in the Family Court, Kurukshetra and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

Upon notice, the respondent, at first instance, made appearance through counsel, who had thereafter withdrawn his Power of Attorney. Thereupon, fresh notice was issued to the respondent and despite service, as observed in the order dated 06.02.2025, none had made appearance on behalf of the respondent. Even today, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.



Learned counsel for the applicant 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 18.02.2022. However, due to the matrimonial discord, the parties are residing separate. The applicant is residing at Kurukshetra. Also, it is submitted that she had filed the petition under Section 125 Cr.P.C., which was contested by the respondent and decided against him, but he did not make the payment of the arrears. Now, the execution relating to the said petition is pending in the Courts at Chandigarh. Furthermore, it is submitted that the applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Chandigarh and the respondent is making appearance in the same. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 200 kilometres, to defend the divorce petition.

On query by the Court, it is submitted by the counsel that no child was born from the wedlock of the parties to the lis.

In view of the aforesaid submissions, considering the fact about two other cases arising from the matrimonial dispute, to be already pending in the Courts at Chandigarh, more particularly, when the applicant is not having any source of earning and also considering the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/173/2023, titled '*Ajay Singh Vs. Simran*', filed by the respondent-husband, stands transferred from the Family Court, Kurukshetra, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Kurukshetra, to the District and Sessions Judge, Chandigarh.

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

07.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No