



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

Sr. No.116

**TA-1623-2024 (O&M)
Date of Decision: 26.05.2025**

POOJA

....Applicant

Versus

GULSHAN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Saurabh Garg, Advocate
for the applicant
(through video conferencing).

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 24.03.2025, 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*.

The counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e.



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HMA/512/2024, titled '*Gulshan Vs. Pooja*', filed by the respondent-husband, pending in the Family Court, Panchkula and she seeks transfer of the same to the Court of competent jurisdiction at Kaithal.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 03.03.2014. Two children were born from the said wedlock. One daughter, was born on 13.10.2015 and one son, was born on 03.03.2017. The daughter is in the care and custody of the respondent, whereas, the son is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate.

The applicant is not having any source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Kaithal and the respondent is making appearance in the same. Also, the respondent is facing trial in the Courts at Kaithal, relating to FIR bearing No.141 dated 25.11.2021, under Sections 323, 34, 406, 498-A and 506 IPC, got lodged by the applicant at Women Police Station, Kaithal. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 122 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

Considering the mitigating circumstances, as mentioned aforesaid and taking into considering the fact of the respondent having not come forward to resist the application; applicant not having any source of earning; two cases arising from the matrimonial dispute, already pending in the Courts at Kaithal, which are being pursued by the respondent, the



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transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/512/2024, titled '*Gulshan Vs. Pooja*', filed by the respondent-husband, stands transferred from the Family Court, Panchkula, to the Court of competent jurisdiction at Kaithal. The requisite record of the aforesaid case be sent by the Family Court, Panchkula, to the District and Sessions Judge, Kaithal.

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

Pending civil miscellaneous application also stands disposed of.

26.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No