
(2025) 12 P&H CK 0045

Punjab And Haryana HC

Case No: Transfer Application No. 1074 Of 2025 (O&M)

Kusum

APPELLANT

Vs

Pawan Kumar

RESPONDENT

Date of Decision: Dec. 5, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 144
- Hindu Marriage Act, 1955-Section 9
- Indian Penal Code, 1860-Section 406, 498A

Hon'ble Judges: Archana Puri, J

Bench: Single Bench

Advocate: Dhruv Kaushik

Final Decision: Allowed

Judgement

Archana Puri, J

CM-16773-CII-2025

Keeping in view the averments made in the application, same is allowed.

Main case

As per the observations made in the order dated 04.11.2025, 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 divorce petition i.e. DMC/473/2024, titled 'Pawan Kumar Vs. Kusum', filed by the respondent-husband, pending in the Family Court, Panipat and she seeks transfer of the same to the Court of competent jurisdiction at

Sonepat.

It is submitted by the counsel for the applicant that on account of the matrimonial dispute, the parties are residing separate. One son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. The applicant is not having any source of earning and as such, is dependent upon her parental family. On account of this matrimonial dispute, the applicant has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as well as the petition under Section 9 of the Hindu Marriage Act, which are pending in the Courts at Sonepat. Besides the same, the respondent is facing trial in the Courts at Sonepat, relating to FIR bearing No.13 dated 29.05.2024, under Sections 406 and 498-A, got lodged by the applicant at Women Police Station, Sonepat. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 70 kms., to defend the divorce petition, more particularly, while taking care of the minor son.

Considering the constrained circumstances, as submitted by the counsel for the applicant, taking into consideration the fact of three litigations, already pending in the Courts at Sonepat, more particularly, the criminal case, wherein the respondent is required to make appearance on each and every date of hearing and above it, considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed and the divorce petition i.e. DMC/473/2024, titled 'Pawan Kumar Vs. Kusum', filed by the respondent-husband, stands transferred from the Family Court, Panipat, to the Court of competent jurisdiction at Sonepat. The requisite record of the aforesaid case be sent by the Family Court, Panipat, to the District and Sessions Judge, Sonepat.

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