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

Sr. No.228

TA-1052-2025

Date of Decision: 06.02.2026

SANJU

....Applicant

Versus

ASHWANI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Kajal, Advocate for
Mr. Amit Kumar, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 22.01.2026.

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/55/2025, titled '*Ashwani Vs. Sanju*', filed by the respondent-husband, pending in the Family Court, Jhajjar and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

In pursuance of notice issued, the respondent did not make appearance, despite service 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 between the parties to the lis, had taken place on 03.02.2008. Two sons born



from the said wedlock, who are in the age group of 13-15 years, are in the care and custody of the respondent/husband. Counsel submits that the applicant is not having any source of earning. She has got lodged an FIR bearing No.413 dated 10.07.2024, under Sections 115, 118(2), 127(2), 3(5), 140(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 25(i)(b)(a) of the Arms Act, against the respondent at Police Station Sector-10, Gurugram. Further, it is submitted that challan has since been presented in the said case. Also, it is submitted that the respondent is much better placed, as he is a shopkeeper and has sufficient source of earning.

In view of the submissions aforesaid, it is pertinent to mention that, while adjudicating on the transfer application relating to the matrimonial dispute, various factors ought to be taken into consideration and then balancing of convenience/inconvenience of the parties, ought to be made. The weighing factor is that if any child is born from the wedlock, which spouse is having the custody of the said child and his means to raise him/her. In the case in hand, the respondent is stated to be a shopkeeper and he is having the custody of the children, who are in the age group of 13-15 years. Be it so. Suffice to consider that the children are not of such age, which requires constant care by either of the parent. Simultaneously, it also ought to be considered that the applicant is not having any source of earning. Moreover, the respondent is facing trial in the Courts at Gurugram, relating to the criminal case, wherein he is required to make appearance on each and every date of hearing.

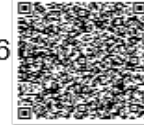
In view of the aforesaid fact situation and above it, considering the fact about the respondent having not come forward to resist the



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application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/55/2025, titled '*Ashwani Vs. Sanju*', filed by the respondent-husband, stands transferred from the Family Court, Jhajjar, to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid case be sent by the Family Court, Jhajjar, to the District and Sessions Judge, Gurugram.

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

However, considering the interest of the respondent also, he always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

06.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No