

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**TrP (C) No. 15/2025
CM No. 2783/2025**

Balwinder Kour

.....Appellant(s)/Petitioner(s)

Through: Mr. Manpreet Singh Saini, Advocate.

vs

Rajinder Singh

..... Respondent(s)

Through: None.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

**ORDER
06.07.2026**

1. The petitioner, who is wife of the respondent, is seeking transfer of the petition filed by the respondent under Section 13 of Hindu Marriage Act titled "Rajinder Singh vs. Smt. Balwinder Kour" bearing file No. 43/2024 from the court of learned District Judge, Kathua to any other court of competent jurisdiction at Jammu on the ground that the petitioner has already filed an execution petition for enforcement of the order passed under Section 125 Cr. P.C., which is pending before the learned Additional Principal Judge, Family Court, Jammu and further that she has to look after a minor school going female child. It is further stated that the petitioner has no source of income to maintain herself as well as her minor daughter, therefore, it is practically not possible for her to attend the proceedings before the learned District Judge, Kathua.

2. Notice was issued to the respondent, however, he has refused to accept the same. Accordingly, he is set *ex parte*.
3. Learned counsel for the petitioner submits that the petitioner is without any source of income. The respondent has not bothered to cause appearance before the Additional Principal Judge, Family Court, Jammu in the execution petition preferred by the petitioner, as such, without any source of income, it is practically not possible for the petitioner to attend the proceedings at Kathua. He further submits that besides the financial disadvantage, it is also not possible for the petitioner to attend the proceedings at Kathua, as she has to look after a minor school going female child as well.
4. Having heard learned counsel for the petitioner, more particularly, as the respondent has not bothered to cause appearance before this Court, this Court is of the considered view that circumstances exist such as financial disadvantage of the petitioner resulting in inconvenience of the petitioner to attend the proceedings at Kathua and further she has to look after a minor female school going child, warranting the transfer of the divorce petition (Supra) from the court of learned District Judge, Kathua to the Additional Principal Judge, Family Court, Jammu, as the execution petition preferred by the petitioner is already pending before the same court.
5. Accordingly the instant transfer petition is allowed and the divorce petition (Supra) filed by the respondent is transferred from the court of learned District Judge, Kathua to the Additional Principal Judge, Family Court, Jammu.

6. Learned District Judge, Kathua is requested to transfer the whole record forthwith to the learned Additional Principal Judge, Family Court, Jammu.
7. Copy of this order be sent to District Judge, Kathua as also to Additional Principal Judge, Family Court, Jammu.
8. **Disposed of along with the connected application.**

(RAJNESH OSWAL)
JUDGE

Jammu
06.07.2026
Sahil Padha

