



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Sr. No.103

TA-193-2023

Date of Decision: 11.09.2024

GURBALJIT SINGH

....Applicant

Versus

BALWINDER KAUR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rahul Rampal, Advocate  
for the applicant.

Mr. Amandeep Singh, Advocate  
for the respondent.

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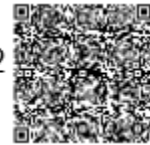
ARCHANA PURI, J. (Oral)

In pursuance of the notice issued, respondent has made appearance through counsel. At this stage, learned counsel for the respondent submits that he does not want to file reply to the application, though, he contests the same.

Learned counsel for the parties heard.

The present application has been filed by the applicant-husband, thereby seeking transfer of the petition under Section 13 of the Hindu Marriage Act, titled '*Balwinder Kaur Vs. Gurbaljit Singh*', filed by the respondent-wife, pending in the Courts at Fatehgarh Sahib and he seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

It is submitted by the counsel for the applicant that the daughter born from the wedlock of the parties is now settled in Canada. However, due to the matrimonial discord, the parties are residing separate. Even, this matrimonial dispute has initiated various rounds of litigation. Besides the



divorce petition filed by the respondent-wife, even the suit for mandatory injunction, has been filed by the respondent-wife, which is already pending in the Courts at Ludhiana. In the said suit, even counter-claim has been filed by the applicant-husband. Besides the same, also it is submitted that the applicant had also filed the petition under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in the Courts at Ludhiana, which had since been disposed of. Furthermore, it is submitted by the counsel for the applicant that the respondent, at present, is not residing in Fatehgarh Sahib.

On the other hand, the counsel for the respondent submits that even the respondent is an aged lady and she is away to Canada, on account of her medical treatment and her civil litigation is pursued through her brother, as her attorney.

In view of the submissions aforesaid, it is evident that major portion of the litigation between the parties, is already pending in Ludhiana. Considering the same and considering the applicant also to be an aged person, it shall be difficult for him to pursue the divorce petition, pending between the parties at Fatehgarh Sahib. Keeping in view the same and also considering the convenience of the applicant, more particularly, when the respondent is pursuing the litigation through her attorney holder, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act, titled '*Balwinder Kaur Vs. Gurbaljit Singh*', filed by the respondent-wife, stands transferred from Family Court Fatehgarh Sahib, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by Family Court Fatehgarh Sahib, to the District and Sessions Judge, Ludhiana.



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

11.09.2024  
Himanshu

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : Yes/No