



TA-204-2023 (O&M) & TA-1117-2023 (O&M)

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

Sr. No.105

Date of Decision: 17.12.2024

1.

TA-204-2023 (O&M)

HARPREET KAUR

....Applicant

Versus

HARAVTAR SINGH

.....Respondent

2.

TA-1117-2023 (O&M)

HARPREET KAUR

....Applicant

Versus

HARAVTAR SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. G.S. Sidhu, Advocate
for the applicant (in both the cases).

Respondent(s) (in both cases), proceeded against *ex parte*
vide order dated 09.12.2024.

ARCHANA PURI, J. (Oral)**CM-3013-CII-2023 IN TA-204-2023 AND
CM-15735-CII-2023 IN TA-1117-2023**

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

MAIN CASES

Vide this order, I shall dispose of two applications, filed by



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Harpreet Kaur-applicant/wife, for seeking transfer of the litigation, pending between the parties to the lis, arising from their matrimonial alliance.

TA-204-2023 has been filed by the applicant-wife for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, i.e. HMA/350/2022, titled '*Haravtar Singh Vs. Harpreet Kaur*', filed by the respondent-husband.

TA-1117-2023 has been filed by the applicant-wife for seeking transfer of the civil suit i.e. CS/807/2022, titled '*Haravtar Singh Vs. Harpreet Kaur and others*'.

Both the aforesaid cases are pending in the Courts at Sri Muktsar Sahib and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Barnala.

In pursuance of the notice issued, respondent(s) did not make appearance and as such, was proceeded against *ex parte*.

Learned counsel for the applicant heard.

For the convenience of the parties, the facts, as well as the memorandum of parties, shall be referred, as pleaded in TA-204-2023.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place in December, 2000 at Village Sehjra. Two children were born from the said wedlock, who are major and now, they are residing abroad. However, on account of the matrimonial discord, the parties are residing separate since October, 2021. The applicant is not having any source of earning and at present, she is residing at her parental place. Also, it is submitted that the applicant has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Barnala. Furthermore, it is submitted that after filing of the



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transfer applications, the applicant has also filed the petition for seeking divorce and the same is pending in the Courts at Barnala. In the given circumstances, it is submitted that since the applicant is not having any source of earning, it is difficult for her to commute a distance of about 125 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act, as well as the civil suit, which are pending in the Courts at Sri Muktsar Sahib.

In view of the aforesaid fact situation and also considering the position of law about preference to be given to the convenience of the wife in transfer applications relating to the matrimonial dispute, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act, i.e. HMA/350/2022, titled '*Haravtar Singh Vs. Harpreet Kaur*', as well as the civil suit i.e. CS/807/2022, titled '*Haravtar Singh Vs. Harpreet Kaur and others*', stand transferred from the Courts at Sri Muktsar Sahib, to the Court of competent jurisdiction at Barnala. The requisite record of the aforesaid case be sent by the concerned Courts of Sri Muktsar Sahib, to the District and Sessions Judge, Barnala.

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

04.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No