

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

Sr. No.129

**TA-462-2024 (O&M)
Date of Decision: 26.09.2024**

KAMALDEEP KAUR

....Applicant

Versus

HARVIR SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. S.K. Rangi, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 05.09.2024.

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/96/2024, titled '*Harvir Singh Vs. Kamaldeep Kaur*', filed by the respondent-husband, pending in the Family Court Sangrur, and she seeks transfer of the same to the Court of competent jurisdiction at Fatehgarh Sahib.

In pursuance of the notice issued, respondent did not make appearance, despite service. As such, he was proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that on account of the matrimonial discord, the parties to the lis are residing separate. The

applicant, together with the minor child, who is about 5 years old at present, was turned out of the matrimonial home, on 07.05.2020 and since then, she is residing at her parental place in Fatehgarh Sahib. The applicant has no source of earning. Even, an FIR bearing No.105 dated 02.06.2021, under Sections 406 and 498-A IPC, was got lodged by the applicant at Police Station Fatehgarh Sahib and the trial relating to the same, is pending in the Courts at Fatehgarh Sahib and the case is now fixed for prosecution evidence. The petition under Sections 12, 18, 19 and 22 of the Protection of Women from Domestic Violence Act, filed by the applicant i.e. COMA/34/2021, is pending in the Courts at Fatehgarh Sahib. Besides the same, the petition under Section 125 Cr.P.C. filed by the applicant i.e. MNT-125/1051/2021, is pending in the Courts at Fatehgarh Sahib, wherein interim maintenance was fixed, but however, the respondent is not paying the same. As such, an application under Section 128 Cr.P.C., has also been filed by the applicant, which is also pending in the Courts at Fatehgarh Sahib.

It is submitted by the counsel that all the aforesaid litigation was initiated by the applicant, prior to filing of the divorce petition, which is a counter-blast to the aforesaid litigation. Also, it is submitted that the distance between Sangrur and Sirhind is about 90 kilometres.

In view of the aforesaid factual position, considering the settled position of law about weightage to be given to the convenience of wife, in the transfer applications, relating to the matrimonial dispute, more particularly, while the applicant is having the custody of the minor child and also not having any source of earning, the application, is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/96/2024, titled '*Harvir Singh Vs. Kamaldeep Kaur*', filed by the

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respondent-husband, stands transferred from the Family Court, Sangrur, to the Court of competent jurisdiction at Fatehgarh Sahib. The requisite record of the aforesaid case be sent by the Family Court, Sangrur, to the District and Sessions Judge, Fatehgarh Sahib.

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

26.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No