



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.110+161

TA-653-2024 (O&M)
Date of Decision: 17.12.2024

JOTPREET KAUR

....Applicant

Versus

PARMINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sandeep Godara, Advocate, for
Mr. Ajay Pal Singh Rehan, Advocate
for the applicant.

Mr. Vishal Sharma (Vasudeva), Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-20630-CII-2024

The present application has been filed by the respondent, for placing on record the reply to the transfer application.

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

Main case

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/713/2024, titled '*Parminder Singh Vs. Jotpreet Kaur*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.



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In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 06.10.2013. One daughter was born from the said wedlock, who is about 10 years old, is in the care and custody of the applicant. On account of the matrimonial discord, the applicant has filed the petition under Section 125 Cr.P.C. and the petition under Section 12 of the Protection of Women from Domestic Violence Act and the same are pending in the Courts at Hoshiarpur. In both the said cases, the respondent has already made appearance and is pursuing the same. The applicant is not having any source of earning and as such, it is difficult for her to defend the petition under Section 9 of the Hindu Marriage Act, which is pending in the Courts at Ludhiana, more particularly, while she is taking care of the minor daughter.

On the other hand, the counsel for the respondent has resisted the claim of the applicant, as he submits that a complaint was filed by the applicant before the police authorities and the same has since been filed. In the given circumstances, the version given by the applicant is false.

In view of the aforesaid fact situation and also taking into consideration the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, while the applicant is taking care of the minor daughter, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/713/2024, titled '*Parminder Singh Vs. Jotpreet Kaur*', filed by the respondent-husband, stands



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transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Hoshiarpur.

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

17.12.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No