



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.106

Date of Decision: 18.09.2024

1. TA-738-2023
HARSIMRANJIT KAUR AND OTHERS

....Applicants

Versus

GAGANDEEP SINGH AND OTHERS
.....Respondents

2. TA-1067-2023
HARSIMRANJIT KAUR

....Applicant

Versus

GAGANDEEP SINGH
.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

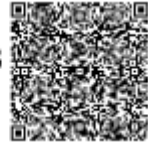
Present:- Mr. F.S. Virk, Advocate
for the applicant (in both the cases).

Respondents proceeded against *ex parte* (in TA-738-2023)
vide order dated 10.09.2024.

None for the respondent (in TA-1067-2023).

ARCHANA PURI, J. (Oral)

Vide this order, I shall dispose of two applications, filed by the
applicant(s), for seeking transfer of the litigation, pending between the
parties to the lis, arising from their matrimonial alliance.



TA-738-2023 AND TA-1067-2023

TA-738-2023 has been filed by the applicants for seeking transfer of the civil suit i.e. CS/407/2023, titled '*Gagandeep Singh Vs. Harsimranjit Kaur and others*', filed by respondent No.1.

TA-1067-2023 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/138/2023, titled '*Gagandeep Singh Vs. Harsimranjit Kaur*', filed by the respondent-husband.

Both the aforesaid cases are pending in the Courts at Malerkotla and the applicant(s) seek transfer of the same to the Court of competent jurisdiction at Patiala.

Respondents in TA-738-2023, were proceeded against *ex parte*, vide order dated 10.09.2024. Even, none has made appearance on behalf of the respondent in TA-1067-2023. As such, respondent (in TA-1067-2023), is also proceeded against *ex parte*.

Learned counsel for the applicant(s) heard.

For the convenience of the parties, the memorandum of parties, shall be referred, as pleaded in TA-738-2023.

At the very outset, it is submitted by the counsel for the applicant(s) that the marriage between applicant No.1 and respondent No.1- Gagandeep Singh, was solemnized on 25.10.2019. However, due to the matrimonial discord, they are residing separate. Further, it is submitted that FIR bearing No.89 dated 19.11.2021, under Section 406/498-A IPC, was got lodged by applicant No.1-Harsimrajit Kaur at Police Station Women Cell, Patiala, against respondent No.1, as well as his mother. During the pendency of the appeal, an application under Section 438 Cr.P.C. was filed by respondent No.1 and his mother. The matter was referred to Mediation



TA-738-2023 AND TA-1067-2023

Centre and after interaction of the parties with the Mediator, compromise was effected, copy whereof is Annexure A-2. However, the terms of the compromise were not complied with by respondent No.1. Thereafter, the civil suit, as well as the divorce petition in hand, were filed in the Courts at Malerkotla.

It is submitted by the counsel that qua the FIR registered, the trial is going on in the Courts at Patiala. The applicant has also filed petition under Section 2(A) of the Protection of Women from Domestic Violence Act, which is pending in the Courts. However, the same is at the appearance stage. Also, it is submitted that applicant No.1 is a housewife and is not having any independent source of earning. In these circumstances, it is submitted that it is difficult for the applicant to defend the litigation, pending in the Courts at Malerkotla, which is at a distance of about 60 kilometres, from the place of her residence.

In view of the submission made by the counsel, considering the fact that two rounds of litigation are already pending in Patiala Courts, more particularly, considering the applicant to be not having any independent source of earning and looking at the convenience of the applicant, the application is allowed and the civil suit i.e. CS/407/2023, titled '*Gagandeep Singh Vs. Harsimranjit Kaur and others*', filed by respondent No.1, as well as the petition under Section 13 of the Hindu Marriage Act i.e. HMA/138/2023, titled '*Gagandeep Singh Vs. Harsimranjit Kaur*', filed by the respondent-husband, stand transferred from the Courts at Malerkotla to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid cases be sent by the Courts concerned, to the District and Sessions Judge, Patiala.



Learned District and Sessions Judge, Patiala, shall assign the said cases to the Court of competent jurisdiction at Patiala. Even, the parties are directed to appear before the Courts concerned, within a period of one month from today onwards.

18.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No