

TA-731-2024

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

Sr. No.106

TA-731-2024

Date of Decision: 23.09.2024

PAWANDEEP KAUR**....Applicant****Versus****AMRITBIR SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Vikramjeet Singh, Advocate
for the applicant.

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/774/2024, titled '*Amritbir Singh Vs. Pawandeep Kaur*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

In pursuance of the notice issued, Mr. Naveen Bawa, Advocate, has made appearance on behalf of the respondent and filed Power of Attorney, which is taken on record.

Learned counsel for the parties heard.

The counsel for the applicant submits that the marriage had taken place between the parties to the lis, on 02.12.2022. No child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant is residing at Ludhiana with her parents. The applicant has already filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Ludhiana. Even, the respondent

has made appearance in the same and the case is at the stage of filing of reply. Even, the petition under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant, is pending in the Courts at Ludhiana is at appearance stage. The applicant is a housewife and has no independent source of earning. In these circumstances, it is submitted that it is difficult for the applicant to commute about 140 kilometres, to defend the divorce petition.

The counsel for the respondent has though made appearance, but however, the reply was not intended to be filed. In fact, the counsel for the respondent submits that the respondent is the only son of his parents and therefore, it shall also become difficult for him to pursue the divorce petition, if transferred to Ludhiana.

In view of the rival submissions, it is pertinent to mention that it is a settled position of law that the convenience of the wife ought to be taken into consideration. The reason assigned to resist the transfer application is that the respondent is the only son of his parents, but however, it matters not much. All the circumstances ought to be taken into consideration. Two cases, as detailed aforesaid, arising from the matrimonial dispute, are already pending in Ludhiana. In one of the cases, the respondent is already making appearance.

In view of the aforesaid fact situation, taking into consideration the distance between the two places, where the divorce petition is pending and where the applicant is residing and also considering the applicant to be having no source of earning, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/774/2024, titled '*Amritbir Singh Vs. Pawandeep Kaur*', filed by the respondent-

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

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

23.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No