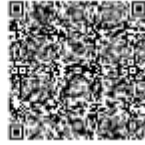


TA-807-2024

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2024:PHHC:136979



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

Sr. No.128

TA-807-2024

Date of Decision: 21.10.2024

KARAMJIT KAUR

....Applicant

Versus

JAGJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

None for the respondent.

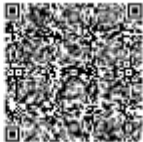
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 12 of the Hindu Marriage Act i.e. HMA/220/2022, titled '*Jagjit Singh Vs. Karamjit Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Bagha Purana, District Moga and she seeks transfer of the same to the Court of competent jurisdiction at Mansa.

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

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage had taken place, between the parties to the lis in July 2019, but no child was born from the said wedlock. However, due to the matrimonial discord, they are residing separate. The applicant has also filed the petition under Section 125 Cr.P.C., which is pending in the Family Court, Mansa. In the same, the



respondent did not make appearance and as such, has been proceeded against *ex parte*. Even, the petition under Section 9 of the Hindu Marriage Act, filed by the applicant, is pending in the Courts at Mansa, wherein the respondent has already made appearance. The applicant has no independent source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to defend the petition under Section 12 of the Hindu Marriage Act, from a distance of about 100 kilometres, from the place of her residence.

In view of the submissions made aforesaid and also considering the settled position of law about weightage to be given to the convenience of the wife, in case of transfer applications relating to the matrimonial dispute, the application is accepted and the petition under Section 12 of the Hindu Marriage Act i.e. HMA/220/2022, titled '*Jagjit Singh Vs. Karamjit Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Bagha Purana, District Moga, to the Court of competent jurisdiction at Mansa. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Bagha Purana, District Moga, to the District and Sessions Judge, Mansa.

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

21.10.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No