

TA-926-2023 (O&M)

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

Sr. No.107

**TA-926-2023 (O&M)
Date of Decision: 24.10.2024**

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

Present:- Mr. Rahul Bhargava and Mr. Kashav Chada, Advocates
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)**CM-16588-CII-2024**

The present application has been filed, thereby giving the detail of the other litigation, initiated at the instance of the applicant, in compliance of the order dated 20.12.2023, passed by this Court.

In view of the averments made in the application, same is allowed.

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/89/2023, titled '*Gursewak Singh Vs. Harpreet Kaur*', filed by the respondent-husband, pending in the Family Court, Tarn Taran and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

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 on 02.02.2018 and two children i.e. one son, namely, Narain Singh and one daughter, namely, Jasmeet Kaur, were born from the said wedlock, who are about 4 years old and 1 year old, respectively. Also, it is submitted that the son is in the custody of the respondent-husband and the daughter is in the care and custody of the applicant. However, it is submitted that on account of the matrimonial dispute, the parties are residing separate. The applicant is residing at her parental place and is having no source of earning. She is totally dependent upon her parental family.

The applicant has filed the petition under Section 25 of the Guardians and Wards Act, the petition under Section 125 Cr.P.C., as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Amritsar. Also, it is submitted that all the three cases are still at the initial stage of appearance of the respondent. In the given circumstances, it is submitted that it is difficult for the applicant to defend the petition under Section 9 of the Hindu Marriage Act, from a distance of about 45-50 kilometres, more particularly, while she is taking care of about 1 year old female child.

In view of the submissions made aforesaid and also keeping in view the preference 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 9 of the Hindu Marriage Act i.e. HMA/89/2023, titled '*Gursewak Singh Vs. Harpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Tarn Taran,

TA-926-2023 (O&M)

to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Family Court, Tarn Taran, to the District and Sessions Judge, Amritsar.

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

24.10.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No