



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

Sr. No.109

**TA-40-2024 (O&M)
Date of Decision: 22.04.2025**

SUKHWINDER KAUR

....Applicant

Versus

RANVIR SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

None for the respondent.

ARCHANA PURI, J. (Oral)

CM-4897-CII-2025

The present application has been filed for placing on record the copy of the Aadhar Card of the applicant, in compliance of the order dated 18.09.2024, passed by this Court.

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

Main case

Perusal of the paperbook reveals that, though, the respondent had made appearance through counsel, who had filed Power of Attorney before the Registry, but however, the counsel did not make appearance on the subsequent dates. Even today, none has made appearance on behalf of the respondent. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

The applicant-wife has filed the present application for seeking



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transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/2363/2023, titled '*Ranvir Singh Vs. Sukhwinder 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 SAS Nagar.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 18.06.2021. One son born from the said wedlock, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is only a matriculate and is not having any source of earning. She is totally dependent upon her elder sister, who is residing in Village Raipur Khurd. Even, from the perusal of the copy of Aadhar Card of the applicant, which is taken on record as Annexure P-4, today itself, vide CM-4897-CII-2025, it is evident that she is residing at Village Raipur Khurd. Also, it is submitted that the applicant has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/5149/2023, which is pending in the Courts at SAS Nagar, at appearance stage. Also, it is submitted that at the time of filing of the transfer application, one complaint was pending before the Women Cell, SAS Nagar and on the basis of inquiry, FIR under Section 498-A IPC, has been got registered, against the respondent, in SAS Nagar. Also, it is submitted that the applicant has filed the petition under the Protection of Women from Domestic Violence Act. In the given circumstances, it is submitted that when the applicant is not having any source of earning, it is difficult for her to commute a distance of about 115 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, considering the position of law about preference given to the convenience of the wife in the transfer



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applications relating to the matrimonial disputes, more particularly, when the applicant is not having any source of earning and is taking care of the minor child and also taking into consideration the fact that the respondent has not come forward to resist the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/2363/2023, titled '*Ranvir Singh Vs. Sukhwinder Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at SAS Nagar. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, SAS Nagar.

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

22.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No