



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

Sr. No.228**TA-80-2024****Date of Decision: 02.04.2025****KAJAL****....Applicant****Versus****GURWINDER SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Hitesh Kumar Sammi, Advocate
for the applicant.
(Through video conferencing)

None for the respondent.

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-1983-2023 titled “Gurvinder Singh v/s Kajal”, filed by the respondent/husband, which is pending in the courts at Ludhiana and she seeks transfer of the same to the Family Court, Derabassi, District SAS Nagar, Mohali.

Perusal of the last order reveals that none had made appearance on behalf of the respondent, despite service. Today also, none has made appearance on behalf of the respondent. As such, respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 23.04.2021 and one girl child, aged



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about 2 years born from the said wedlock is presently in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant had filed the divorce petition which was pending in the Courts at Derabassi and the respondent had made appearance in the same. Only thereafter, the respondent had filed the subsequent divorce petition at Ludhiana.

In view of the aforesaid fact situation and also considering the position of law about preference given to the convenience of the wife in the transfer applications relating to the matrimonial disputes, more particularly, when the respondent has not come forward to contest the application and the applicant is taking care of the minor child, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA-1983-2023 titled “Gurvinder Singh v/s Kajal”, filed by the respondent/husband, stands transferred from the Family Court, Ludhiana to the Court of competent jurisdiction at Derabassi, District 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 (Camp Court) Derabassi. Even, the parties are directed to appear before the Family Court (Camp Court), Derabassi, within a period of one month from today onwards.

02.04.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No