



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

Sr. No.110**TA-89-2024 (O&M)****Date of Decision: 23.01.2025****LACHMI DEVI****....Applicant****Versus****MANDEEP SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI****Present:-** Mr. Varun Veer Chauhan, Legal Aid Counsel for the applicant.

Mr. R.K. Arya, Advocate 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/586/2023, titled '*Mandeep Singh Vs. Lakshmi Devi*', filed by the respondent-husband, pending in the Family Court, Gurdaspur and she seeks transfer of the same to the Court of competent jurisdiction at Fazilka.

In pursuance of the notice issued, respondent made appearance through counsel. The counsel for the respondent submits that he does not intend to file reply to the transfer application, though he contests the same.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 08.08.2021, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant has already filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/51/2023, as well as the complaint case bearing



No.310 of 2023, which are pending in the Courts at Fazilka. Also, it is submitted that the applicant is not having any source of earning and as such, it is difficult for her to commute a distance of about 280 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent submits that earlier, there was an agreement between the parties for amicable settlement to part ways, but however, the respondent did not cooperate and therefore, it could not be fructified.

In view of the aforesaid fact situation and considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, while considering the distance between the two places and the applicant having no source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/586/2023, titled '*Mandeep Singh Vs. Lakshmi Devi*', filed by the respondent-husband, stands transferred from the Family Court, Gurdaspur, to the Court of competent jurisdiction at Fazilka. The requisite record of the aforesaid case be sent by the Family Court Gurdaspur, to the District and Sessions Judge, Fazilka.

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

23.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No