



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

Sr. No.224

TA-105-2024

Date of Decision: 03.03.2025

JYOTI

....Applicant

Versus

JAGSIR SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arun Abrol, 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 22 of the Special Marriage Act, 1954, i.e. DMC/1562/2023, titled '*Jagsir Singh Vs. Jyoti*', filed by the respondent-husband, pending in the Family Court, Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Gurdaspur.

As per the observations made in the order dated 13.12.2024, despite service, none had made appearance on behalf of the respondent. Even today, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 22.11.2013. One daughter born from the said wedlock, who is about 9 years old, is in the care and custody of the respondent, at present. Also, it is submitted that on account



of the matrimonial discord, the parties are residing separate. Lastly, the applicant was turned out of the matrimonial house on 03.08.2023 and at that time, the respondent and his family members had snatched the minor daughter, from her lawful custody. Earlier also, when the compromise was effected between the parties, the custody of the minor daughter was with the applicant, but lastly, the child was so snatched. Thus, under the compelling circumstances, the daughter is in the care and custody of the respondent. Also, it is submitted that the applicant is not working and as such, has no source of earning. Even, the applicant has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Gurdaspur and the respondent is making appearance in the same. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 260 kilometres, to defend the petition under Section 22 of the Special Marriage Act, 1954.

In view of the submissions aforesaid, 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, considering fact about the applicant having no source of earning, considering the distance between the two places and also taking into consideration the fact about the respondent not having come forward to contest the application, the transfer application is allowed and the petition under Section 22 of the Special Marriage Act, 1954 i.e. DMC/1562/2023, titled '*Jagsir Singh Vs. Jyoti*', filed by the respondent-husband, stands transferred from the Family Court, Bathinda, to the Court of competent jurisdiction at Gurdaspur. The requisite record of the aforesaid case be sent by the Family Court, Bathinda, to the District and Sessions Judge, Gurdaspur.



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

03.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No