



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

Sr. No.104

TA-206-2023

Date of Decision: 03.02.2025

PARAMJIT KAUR

....Applicant

Versus

CHARANJEET SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kehar Singh Hissowal, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 28.10.2024.

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/56/2022, titled '*Charanjeet Singh Vs. Paramjit Kaur*', filed by the respondent-husband, pending in the Family Court, Faridkot and she seeks transfer of the same to the Court of competent jurisdiction at Jagraon, District Ludhiana.

In pursuance of the notice issued, respondent did not make appearance and as such, he was 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, was solemnized on 17.04.2011. Two daughters were born from the said wedlock, who are 9 years old and 6 years old. It is further submitted by the counsel for the applicant that the applicant



belongs to a poor family and is dependent upon her parents. As such, it is difficult for her to commute a distance of about 130 kilometres, to defend the divorce petition.

In the light of the submissions aforesaid, it is pertinent to mention that, on query it is submitted by the counsel that two daughters born from the wedlock, who are of tender age i.e. 9 years and 6 years, are in the care and custody of the respondent. On further query, it is submitted by the counsel that the respondent is a driver by profession.

Considering the aforesaid fact situation and also considering the fact about the daughters born from the wedlock of the parties, being in the care and custody of the respondent, no case is made out for transfer of the divorce petition, at the behest of the applicant, solely on account of the distance being 130 kilometres. The fact with regard to the minor daughters to be residing with the respondent, also ought to be taken into consideration.

Hence, the transfer application is hereby dismissed.

03.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No