



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

Sr. No.109

TA-327-2024

Date of Decision: 09.04.2025

TEJINDER PAL KAUR**....Applicant****Versus****PRABHJOT SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Ashish Gupta and Mr. Varun Gupta, Advocates
for the applicant.

Mr. Praagbir Singh Dhindsa, 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/1064/2023, titled '*Prabhjot Singh Vs. Tejinder Pal 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 Moga.

Upon notice, the respondent made appearance through counsel and filed reply.

The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 11.03.2015. One son born from the said wedlock, who is about 7 years old, is in the care and custody of the respondent-husband. On account of the matrimonial dispute, the parties are residing separate. The applicant has filed the petition under Section 125 Cr.P.C, the petition under the Protection



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of Women from Domestic Violence Act, as well as the guardianship petition, which all are pending in the Courts at Moga and the respondent is making appearance in all these cases. Also, it is submitted that the applicant is not having any source of earning and is dependent upon her parental family.

On the contrary, the counsel for the respondent, while making reference to the reply filed, submits that the respondent is staying with his widow mother, as well as the minor child, who is about 7 years old. As such, he has to take care of the minor son as well. Besides the same, the applicant is a resident of village Ajitwal, which is nearer to Jagraon, as compared to the Courts at Moga. Thus, a submission has been made for transfer of the divorce petition, if necessity be, to the Courts at Jagraon, which is sub-division of Ludhiana.

In view of the submissions aforesaid, 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 other three cases arising from the matrimonial dispute are already pending in the Courts at Moga, which are being pursued by the respondent and also taking into consideration the fact about the mother of the respondent being there to look after the minor son, as and when the need arises, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1064/2023, titled '*Prabhjot Singh Vs. Tejinder Pal Kaur*', stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Moga. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Moga.



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

09.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No