



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

Sr. No.218

TA-444-2024

Date of Decision: 20.02.2025

MANDEEP KAUR @ NEETA

....Applicant

Versus

DILBAG SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. P.K.S. Phoolka, Advocate
for the applicant.

Mr. Arshdeep Singh Brar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The present application has been filed by the applicant-wife, thereby seeking transfer of the petition under Section 11 & 12 of the Hindu Marriage Act i.e. HMA/95/2024, titled '*Dilbag Singh Vs. Mandeep Kaur @ Neeta*', filed by the respondent-husband, which is pending in the Family Court, Faridkot and she seeks transfer of the same to the Court of competent jurisdiction at Talwandi Sabo, District Bathinda.

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, though, he contests the transfer application.

Learned counsel for the parties heard.

At the very outset, the counsel for the applicant submits that the marriage of the parties to the lis, had taken place in March, 2011. Two children were born from the said wedlock, but unfortunately, they had died in the year 2013 and 2014. On account of the matrimonial discord, the



TA-444-2024

parties are residing separate. The applicant had filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/238/2021, in the Courts at Talwandi Sabo. In the said petition, the respondent, though, had made appearance, at first instance, but was proceeded against *ex parte* and interim maintenance was fixed, relating to which, separate execution is pending in the Courts at Talwandi Sabo. Similar is the position, with regard to the petition under Section 125 Cr.P.C. i.e. MNT-125/301/2001, filed by the applicant. 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 submits that the distance between the two places is not 100 kilometres, as pleaded in the application and it is less. As such, the applicant can very conveniently pursue the petition, while staying at Talwandi Sabo.

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, when the respondent himself has not filed reply, to bring out any strong circumstance for denial of the application and also considering the distance between the two places to be about 100 kilometres, the transfer application is allowed and the petition under Section 11 & 12 of the Hindu Marriage Act i.e. HMA/95/2024, titled '*Dilbag Singh Vs. Mandeep Kaur @ Neeta*', filed by the respondent-husband, stands transferred from the Family Court, Faridkot, to the Court of competent jurisdiction at Talwandi Sabo, District Bathinda. The requisite record of the aforesaid case be sent by the Family Court, Faridkot, to the District and Sessions Judge, Bathinda.



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

20.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No