



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

Sr. No.106

TA-492-2024

Date of Decision: 19.08.2025

JAGDEEP KAUR

....Applicant

Versus

RAJINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.S. Siao, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that, at first instance, the respondent had made appearance through counsel. However, reply was not filed. Thereafter, the counsel for the respondent never made appearance. Today also, there is no representation on behalf of the respondent. As such, the respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

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/431/2022, titled '*Rajinder Singh Vs. Jagdeep Kaur*', filed by the respondent-husband, pending in the Family Court, Kurukshetra and she seeks transfer of the same to the Court of competent jurisdiction at Fatehgarh Sahib.

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



TA-492-2024

16.01.2015. The respondent is a Non Resident Indian and after about 3 months of marriage with the applicant, he had gone back to Italy and he never bothered to call the applicant to Italy. Thereafter, the applicant was subjected to cruelty, at the instance of family members of the respondent. The applicant is not having any source of earning and she is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Fatehgarh Sahib. The respondent had earlier made appearance in the said petition and thereafter, he was proceeded against *ex parte*. Besides the same, the applicant has got lodgedan FIR bearing No.21 dated 22.02.2024, under Sections 406 and 498-A IPC, at Police Station Fatehgarh Sahib and the same is pending investigation. Also, it is submitted that after filing of the transfer application, the petition under the Protection of Women from Domestic Violence Act, has also been filed by the applicant, which is also pending in the Courts at Fatehgarh Sahib, at the stage of summoning. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 75 kilometres, on one side, to defend the divorce petition.

Considering the aforesaid submissions and considering the preference generally given by the Courts to the convenience of wife in case of transfer application relating to the matrimonial dispute, more particularly, when the respondent has not come forward to resist the application and also considering the fact about the respondent having been proceeded against *ex parte*, in the petition under Section 125 Cr.P.C., the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/431/2022, titled '*Rajinder Singh Vs. Jagdeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Kurukshetra,



to the Court of competent jurisdiction at Fatehgarh Sahib. The requisite record of the aforesaid case be sent by the Family Court, Kurukshetra, to the District and Sessions Judge, Fatehgarh Sahib.

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

19.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No