



TA-523-2024

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

Sr. No.215

TA-523-2024

Date of Decision: 25.07.2025

HARJINDER RANI

....Applicant

Versus**GAGANDEEP SINGH**

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sahil Soi, Advocate
for the applicant.

None for the respondent.

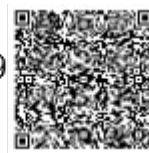
ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 22.10.2024, despite service, the respondent did not make appearance on that date. Even, on the subsequent three dates, he had not made appearance. Today also, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/2162/2023, titled '*Gagandeep Singh Vs. Harjinder Rani*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 17.01.2012. One son born from the said wedlock, who is about 10 years old, is in the care and custody

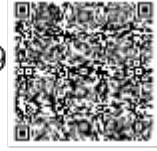


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of the respondent. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Jalandhar 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 82 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid submissions, it is pertinent to mention that though, generally the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, the son born from the wedlock of the parties to the lis, is in the care and custody of the respondent. This is one of the weighing factor, while considering the transfer application. However, it is more necessary to note that the respondent, despite service has not come forward to resist the claim for transfer of the petition under Section 9 of the Hindu Marriage Act. Moreover, the applicant is not having any source of earning and even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Jalandhar and the respondent is pursuing the same.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/2162/2023, titled '*Gagandeep Singh Vs. Harjinder Rani*', filed by the respondent-



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husband, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Jalandhar.

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

25.07.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No