



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

Sr. No.232

**TA-578-2024 (O&M)
Date of Decision: 22.04.2025**

PARAMJIT KAUR

....Applicant

Versus

JAGDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. H.S. Kehal, Advocate
for the applicant.

Mr. Ankush Rampal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-8179-CII-2024

Keeping in view the averments made in the application, same is allowed.

Main case

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/1380/2023, titled '*Jagdeep Singh Vs. Paramjit 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 Dhuri, District Sangrur.

Upon notice, the respondent made appearance through counsel. However, the counsel for the respondent has submitted that he does not intend to file reply to the transfer application, though, he contests the same.

The counsel for the parties heard.



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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 23.09.2007. One son born from the said wedlock could not survive and had since died. Also, it is submitted that on account of the matrimonial dispute, the parties are residing separate. The applicant is physically disabled to the extent of 60%. She has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/37/2019, wherein the respondent is already making appearance. As such, on account of her physical disability, it is submitted that it is difficult for the applicant to commute a distance of about 70 kilometres, to defend the divorce petition.

On the contrary, the counsel for the respondent submits that the present application has been filed, only to delay the decision of the divorce petition. Otherwise also, if the transfer application is allowed, the same shall be too harsh for the respondent also, to pursue the divorce petition. Also, it is submitted that the applicant has an option to make appearance through video conferencing, as and when required.

In view of the aforesaid submissions and also considering the fact that generally the Courts give preference to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, considering the fact of the applicant being physically disabled, relating to which Unique Disability ID Card has been annexed as Annexure P-2, thereby showing locomotor disability to the extent of 60% and also considering the fact of one case already pending in the Courts at Dhuri, which is being pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1380/2023, titled '*Jagdeep Singh Vs. Paramjit Kaur*', filed by the



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respondent-husband, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Dhuri, District Sangrur. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Sangrur.

Learned District and Sessions Judge, Sangrur, shall ensure about the case to be assigned to the same Court, where the case arising from the matrimonial dispute is already pending. The Court concerned shall adjourn the cases, on the same date. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

Pending civil miscellaneous application also stands disposed of.

22.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No