

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

Sr. No.113

TA-684-2024

Date of Decision: 27.02.2025

TARANPAL KAUR

....Applicant

Versus

HARPREET SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pragbir Singh Dhindsa, Advocate for the applicant.

None for the respondent.

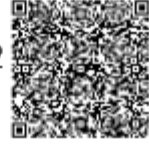
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/873/2023, titled '*Harpreet Singh Vs. Taranpal Kaur*', filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Payal, District Ludhiana.

Despite service, the respondent did not make appearance on the last date of hearing. Even today, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 08.06.2022. One daughter born from the said wedlock, who is about 1½ years old, is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. Also, it is submitted that the applicant is not doing any



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job and is dependent upon her parental family. At present she is residing with her sister, as her father, who is Granthi/Priest in Gurdwara Sahib at Gurugram, is residing in the Gurdwara premises. In these circumstances, while taking care of the minor daughter, who needs personal attention of the applicant, all the time, in view of her age, it is difficult for her to commute a distance of about 77 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act, from the place of her residence.

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 applicant is taking care of the minor daughter, who is of tender age and also considering the fact that the respondent has not come forth to contest the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/873/2023, titled '*Harpreet Singh Vs. Taranpal Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Payal, District Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Ludhiana.

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

27.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No