



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.104

CM-19488-CII-2024 IN/AND TA-705-2024
Date of Decision: 04.02.2025

VINITA

....Applicant

Versus

PUSHPINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sushant Kohli, Advocate
for the applicant.
(through video conferencing).

Mr. Vishal Sharma (Vasudeva), Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-19488-CII-2024

The present application has been filed by the respondent for placing on record the reply along with Annexures R-1 and R-2.

In view of the averments made in the application, same is allowed and the requisite documents are taken on record.

Though, the main case is not listed for today, but however, the same is taken up for hearing today itself.

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/150/2023, titled '*Pushpinder Singh Vs. Vinita*', filed by the respondent-husband, pending in the Family Court (Camp Court) Khanna, District Ludhiana and she seeks transfer of the same to the Court of



competent jurisdiction at Jalandhar.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

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 29.11.2009, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. Even, the applicant had filed the petition under Section 125 Cr.P.C., in the Courts at Farrukhabad, Uttar Pradesh, while she was staying there and *ex parte* order was passed by the Court on 31.03.2017. However, no maintenance has been paid by the respondent, till date. Further also, it is submitted that thereafter, the applicant had shifted her residence to Jalandhar, which fact is also not disputed by the counsel for the respondent, as he has annexed a copy of her Aadhar Card along with the reply. The applicant is not having any source of earning and as such, it is difficult for her to commute a distance of about 120 kilometres, to defend the divorce petition.

On the contrary, the counsel for the respondent, while making reference to the reply filed, submits that the application for transfer has been filed, only for the convenience of the counsel, who is making appearance on behalf of the applicant. Also, it is submitted that in the pending divorce petition, issues have been framed and the case is at the stage of evidence of the respondent (who is petitioner in the divorce petition).

Keeping in view the aforesaid fact situation, 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 and also



considering the distance between Jalandhar and Khanna to be about 120 kilometres, more particularly, while the applicant is not having any source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/150/2023, titled ‘*Pushpinder Singh Vs. Vinita*’, filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Khanna, District Ludhiana, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Khanna, 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.

04.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No