



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

Sr. No.113

TA-724-2024

Date of Decision: 02.04.2025

AMANPREET KAUR

....Applicant

Versus

OMKAR SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Parvez Akhtar, Advocate
for the applicant.

Respondent *ex parte*, vide order dated 01.04.2025.

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. HMA-69-2024 titled “Omkar Singh v/s Amanpreet Kaur”, filed by the respondent/husband, which is pending in the Family Courts, Sunam and she seeks transfer of the same to the court of competent jurisdiction at Malerkotla.

In pursuance of notice issued, respondent did not make appearance, despite service. As such, respondent was proceeded against *ex parte*, vide order dated 01.04.2025.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 13.10.2018 and one male child, aged about 2 years is in the care and custody of the applicant. On account of matrimonial discord, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning and she is dependant



upon her parental family. It is further submitted that the applicant has filed petition under Section 12, 17, 18, 19, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, which is pending in the courts at Malerkotla 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 65 kms from the place of her residence to defend the petition under Section 9 of Hindu Marriage Act.

In view of the aforesaid fact situation and also 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 respondent has not come forward to contest the application and the applicant is taking care of the minor child, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA-69-2024 titled “Omkar Singh v/s Amanpreet Kaur”, filed by the respondent/husband, stands transferred from the Family Court, Sunam, to the Court of competent jurisdiction at Malerkotla. The requisite record of the aforesaid case be sent by the Family Court, Sunam, to the District and Sessions Judge, Malerkotla.

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

02.04.2025

Sonu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No