



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

Sr. No.234

TA-749-2024

Date of Decision: 30.01.2025

MANJINDER KAUR

....Applicant

Versus

VARINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Rajinder Kaur, Advocate for
Mr. Davinder Singh, 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/18/2024, titled '*Varinder Singh Vs. Manjinder Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Nabha, District Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Fatehgarh Sahib.

Despite the service having effected upon the respondent, as observed in the order dated 25.07.2024, he had not made appearance. Even today, none has appeared 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 04.12.2022, but no child was born from the said wedlock. However, due to the matrimonial discord,



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the parties are residing separate. The applicant is a housewife and has no source of income. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Fatehgarh Sahib. In these circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 50 kilometres, to defend the petition under Section 9 of the 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, considering the fact about the respondent not coming forward to contest the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/18/2024, titled '*Varinder Singh Vs. Manjinder Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Nabha, District Patiala, to the Court of competent jurisdiction at Fatehgarh Sahib. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Nabha, to the District and Sessions Judge, Fatehgarh Sahib.

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

30.01.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No