



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

Sr. No.114**TA-769-2024****Date of Decision: 28.03.2025****GURJIT KAUR****....Applicant****Versus****GURINDER SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Harjinder Singh, Advocate
for the applicant.

Mr. M.S. Bhatti, Advocate
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. HMA/47/2024, titled '*Gurinder Singh Vs. Gurjit Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Ajnala, District Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

Upon notice, the respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 19.11.2023, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant is a home-maker and as such, she has no source of earning. She is totally dependent upon her



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parental family. On account of the matrimonial dispute, the applicant has filed the petition under Section 125 Cr.P.C., which is already pending in the Courts at Jalandhar at appearance stage. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 110 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

On the contrary, the counsel for the respondent has assiduously submitted that the applicant has made wrong assertions. There is concealment of the material facts, as it was solely on account of her conduct that the matrimonial dispute had taken place. In fact, she is a well-educated and qualified lady. She is running a boutique and earning Rs.50,000/- per month. Moreover, it is submitted that her relatives are residing within the jurisdiction of Ajnala.

In view of the assertion of the boutique, being run by the applicant, as stated by the counsel for the respondent in the reply, the counsel for the applicant has stated at bar that no such boutique is run by the applicant.

In view of the submissions made aforesaid by both the counsel, it is pertinent to mention that generally, the Courts give preference to the convenience of wife, in case of transfer applications relating to the matrimonial dispute. In the case in hand, as asserted, the applicant is not having any source of earning and is totally dependent upon her parental family. She has also filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Jalandhar, at appearance stage. Furthermore, the distance between the two places is about 110 kilometres. Even though, it is asserted about various relatives of the applicant to be residing within the



jurisdiction of Ajnala, but nothing as such is evident from the reply.

Considering the aforesaid fact situation and also taking into consideration the distance between the two places, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/47/2024, titled '*Gurinder Singh Vs. Gurjit Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Ajnala, District Amritsar, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Ajnala, 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.

28.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No