

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.108

Date of Decision: 06.02.2025

1. TA-811-2023

BHUPINDER KAUR

....Applicant

Versus

KAMALDEEP SINGH SAINI

.....Respondent

2. TA-878-2023

BHUPINDER KAUR

....Applicant

Versus

KAMALDEEP SINGH SAINI AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. P.S. Kanwar, Advocate
for the applicant (in both the cases).

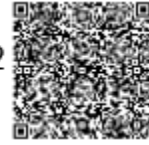
Respondent (in TA-811-2023) proceeded against *ex parte*
vide order dated 03.02.2025.

None for respondent No.1 (sole contesting respondent)
(in TA-878-2023).

ARCHANA PURI, J. (Oral)

Vide this order, I shall dispose of two applications, filed by
Bhupinder Kaur-applicant/wife, for seeking transfer of the litigation,
pending between the parties to the lis.

TA-811-2023 has been filed by the applicant-wife for seeking



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transfer of the divorce petition i.e. HMA/856/2023, titled '*Kamaldeep Singh Saini Vs. Bhupinder Kaur*', filed by the respondent-husband.

TA-878-2023 has been filed by the applicant for seeking transfer of the civil suit i.e. CS/1675/2023, titled '*Kamaldeep Singh Saini Vs. Bhupinder Kaur and others*'.

Both the aforesaid cases are pending in the Courts at Jalandhar and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

In pursuance of the notice issued, respondent (in TA-811-2023) did not make appearance and as such, he was proceeded against *ex parte*. Even, in the connected transfer application i.e. TA-878-2023, none has made appearance on behalf of respondent No.1 (sole contesting respondent). Even, on the last date of hearing none has made appearance on his behalf. As such, he is proceeded against *ex parte*, in TA-878-2023 also.

Learned counsel for the applicant heard.

For the convenience of the parties, the memorandum of parties, shall be referred, as pleaded in TA-811-2023.

At the very outset, the counsel for the applicant has submitted that the marriage between the applicant-Bhupinder Kaur and the respondent-Kamaldeep Singh Saini, had taken place on 27.11.2020, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant is not having any source of income and as such, she had filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Hoshiarpur. Even, she had got lodged an FIR bearing No.320 dated 09.12.2022, under Sections 406 and 498-A IPC, at Police Station Model Town, District Hoshiarpur, relating to

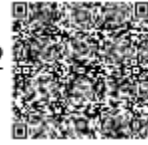


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which challan has been presented against the respondent and the trial is pending in the Courts at Hoshiarpur. Besides the same, she has also filed a private complaint under Section 406 and 498-A IPC, against the parents and other family members of the respondent, which is also tagged with the file and is pending in the Courts at Hoshiarpur. Also, she has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Hoshiarpur. As such, it is submitted that there are total four cases pending in the Courts at Hoshiarpur and the respondent-Kamaldeep Singh, is making appearance in all the aforesaid cases.

Also, it is submitted that the petition under Section 13 of the Hindu Marriage Act, as well as the civil suit, have been filed by the respondent, only to harass the applicant. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 120 kilometres, to defend the litigation, initiated at the instance of the respondent, more particularly, while she is having no source of earning.

In view of 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, more particularly while the applicant is not having any source of earning and also considering the fact that the respondent has not come forward to resist the transfer application, as well as taking into consideration the fact about four cases arising from the matrimonial dispute pending in the Courts at Hoshiarpur, the transfer applications are allowed and the divorce petition i.e. HMA/856/2023, titled '*Kamaldeep Singh Saini Vs. Bhupinder Kaur*' and the civil suit i.e. CS/1675/2023, titled '*Kamaldeep Singh Saini Vs. Bhupinder*



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Kaur and others’, filed by the respondent, stand transferred from the Courts at Jalandhar, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Courts concerned, to the District and Sessions Judge, Hoshiarpur.

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

06.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No