



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.116

TA-805-2024
Date of Decision: 19.02.2025

RAJBIR KAUR

....Applicant

Versus

TALJINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Ravinder Kaur Manaise, Advocate
for the applicant.

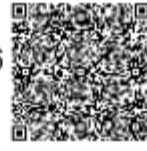
None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/128/2024, titled ‘*Taljinder Singh Vs. Rajbir Kaur*’, filed by the respondent-husband, pending in the Family Court, Ferozepur and she seeks transfer of the same to the Court of competent jurisdiction at Batala, District Gurdaspur.

As observed in the previous order, the respondent had not made appearance, despite service. Even today, none has made appearance 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 27.04.2022, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. Even, the applicant had filed one complaint bearing No.5280-PGD dated 23.10.2023, before SSP, Batala, for registration of FIR against the respondent. Also, she has filed the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/82/2024, which is pending in the Courts at Batala and the respondent has not made appearance in the same. Besides the same, she has also filed the maintenance petition i.e. MNT-125/75/2024, which is also pending in the Courts at Batala, at appearance stage.

Also, it is submitted that the applicant is not having any source of earning and as such, it is difficult for her to commute a distance of about 160 kilometres, from Batala, to defend the divorce petition, filed by the respondent-husband.

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, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/128/2024, titled '*Taljinder Singh Vs. Rajbir Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Ferozepur, to the Court of competent jurisdiction at Batala, District Gurdaspur. The requisite record of the aforesaid case be sent by the Family Court, Ferozepur, to the District and Sessions Judge, Gurdaspur.



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

19.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No