



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

Sr. No.107

TA-863-2023

Date of Decision: 20.01.2025

MONI BALA

....Applicant

Versus

HARPRIT SINGH BAHAD

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Deepak Girotra and Ms. Nirmala Jangra, Advocates
for the applicant.

Mr. Anish Setia, Advocate 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. HMA/197/2022, titled '*Harprit Singh Bahad Vs. Moni Bala*', filed by the respondent-husband, pending in the Family Court Pathankot and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

At the very outset, It is submitted by the counsel for the applicant that the marriage between the parties to the lis, was solemnized on 12.03.2016, but no child was born from the said wedlock. However, due to the matrimonial discord and primarily on account of the criminal background of the respondent, as detailed in the paragraph No.5 of the application, the parties are residing separate. Also, it is submitted that the applicant is not working and has no independent source of earning and is



totally dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Ludhiana and the same is also pursued by the respondent. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 170 kilometres, to defend the divorce petition filed at Pathankot.

On the contrary, the counsel for the respondent resist the claim for transfer, as he submits that the applicant had not made appearance before the Family Court, at the time of filing the application. She had made appearance before the Family Court, only in pursuance of the direction given by this Court. Also, it is submitted that the applicant is a well-educated lady and is indulging in tuition work. In the given circumstances, it is submitted that she can pursue the divorce petition, pending at Pathankot.

In view of the submissions aforesaid, it is pertinent to mention that generally the preference is given by the Courts to the convenience of the wife, in case of transfer applications, relating to the matrimonial dispute.

Considering the aforesaid and also taking into consideration the applicant is not having any source of earning and also the fact of the petition under Section 125 Cr.P.C., already pending in the courts at Ludhiana as well as considering the distance between the two places to be about 170 kilometres, the petition under Section 13 of the Hindu Marriage Act i.e. HMA/197/2022, titled '*Harprit Singh Bahad Vs. Moni Bala*', filed by the respondent-husband, stands transferred from the Family Court, Pathankot, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Pathankot, to the District and Sessions Judge, Ludhiana.



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

20.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No