



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

Sr. No.110

**TA-1008-2023 (O&M)
Date of Decision: 18.02.2025**

REKHA

....Applicant

Versus

LAKHWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sunil Agnihotri, Advocate
for the applicant.

Mr. J.S. Warring, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-2340-CII-2025

The present application has been filed for placing on record the
reply on behalf of the respondent.

In view of the averments made in the application, same is
allowed and the requisite reply is taken on record.

Main case

The applicant-wife has filed the present application for seeking
transfer of the petition under Section 9 of the Hindu Marriage Act, titled
'*Lakhwinder Singh Vs. Rekha*', filed by the respondent-husband, pending in
the Family Court (Camp Court) Zira, District Ferozepur and she seeks



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transfer of the same to the Court of competent jurisdiction at Dasuya, District Hoshiarpur.

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, had taken place on 13.10.2021, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. The applicant has got lodged an FIR bearing No.111 dated 14.06.2023, under Sections 406 and 498-A IPC, at Police Station Dasuya, District Hoshiarpur, wherein challan has been presented. The respondent is facing trial in the said FIR, in the Courts at Dasuya. The applicant is unemployed and has no source of income. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 150 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

On the other hand, the counsel for the respondent, while making reference to the reply filed, has submitted that it is the malafide conduct of the applicant, on account of which, the matrimonial dispute is there between the parties. In fact, it is submitted that the FIR, the mention whereof has been made aforesaid, has been got registered on false accusations. Furthermore, it is submitted that during the course of investigation of the said FIR, the applicant along with the police officials, had come to the house of the respondent in a discreet manner and created ruckus. Even, they subjected the respondent to beatings, as a result whereof, he is now having difficulty in walking. In this regard, reference has been made to Annexure



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R-3 i.e. MRI of the right knee of the respondent. In the given circumstances, it is submitted that the transfer application ought not be accepted and the petition under Section 9 of the Hindu Marriage Act, be not transferred.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that even though, there is stated to be an FIR having got registered on false accusations, but however, this Court is not required to make mention of the genuineness or falsity of the FIR, so got registered. The same shall be considered by the Court concerned, where the trial is pending. Even though, it is submitted that the applicant had created ruckus with the help of the police, at the time of effecting arrest in the aforesaid FIR, but however, regarding the same, there is no complaint coming on record. Otherwise also, appropriate remedy lies with the respondent, to initiate action against the applicant (if any).

But anyhow, 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 taking into consideration the fact about the applicant having no source of earning and also considering the distance between the two places, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act, titled '*Lakhwinder Singh Vs. Rekha*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Zira, Ferozepur, to the Court of competent jurisdiction at Dasuya, District Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Zira, to the District and Sessions Judge, Hoshiarpur.



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

18.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No