



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

Sr. No.105**TA-1103-2023****Date of Decision: 03.02.2025****DILPREET KAUR****....Applicant****Versus****GAGANDEEP SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Paras Jagga, Advocate
for the applicant.

Mr. Shubhashish Kukreti, 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. DMC/526/2023, titled '*Gagandeep Singh Vs. Dilpreet Kaur*', filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Sunam, District Sangrur.

In pursuance of the notice issued, respondent made appearance through counsel. However, reply is not intended to be filed, though, it is submitted that the respondent contests the transfer application.

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 27.01.2019. One daughter



born from the said wedlock, who is about 4 years old, is in the care and custody of the applicant. Also, the applicant is not having any source of earning and is dependent upon her parental family. The respondent is facing trial, in FIR bearing No.29 dated 05.03.2022, under Sections 406 and 498-A IPC, got lodged by the applicant at Police Station Dirba, District Sangrur, in the Courts at Sunam. Besides the same, the applicant has filed the petition under Section 125 Cr.P.C., for grant of maintenance, which is pending in the Courts at Sunam and the respondent is making appearance in the same. Moreover, it is submitted that the respondent is an able-bodied person and is owner of the Technician Lab at Patiala. As such, it is submitted that it is difficult for the applicant to commute a distance of about 65 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent submits that the respondent is not the owner of the Technician Lab and it shall also be inconvenient for him, to pursue the divorce petition, if so transferred.

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 taking care of the minor daughter and also considering the fact that other litigation is pending in the Courts at Sunam, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/526/2023, titled '*Gagandeep Singh Vs. Dilpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Patiala to the Court of competent jurisdiction at Sunam, District Sangrur. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Sangrur.



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

03.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No