



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

Sr. No.122

TA-1003-2024

Date of Decision: 06.03.2025

PREETVINDER KAUR

....Applicant

Versus

GURPREET SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vinod Kumar Kaushal, 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 9 of the Hindu Marriage Act i.e. HMA/446/2023, titled '*Gurpreet Singh Vs. Preetvinder Kaur*', filed by the respondent-husband, pending in the Family Court, Rupnagar and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

As observed in the order dated 13.02.2025, none had made appearance on behalf of the respondent, 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 28.10.2006. Two children born from the said wedlock, are in the care and custody of the applicant.

Also, it is submitted that the applicant is unemployed and is dependent upon



TA-1003-2024

her parental family. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Hoshiarpur and the respondent is making appearance in the same. In the given circumstances, it is submitted that, while taking care of two children and having no source of earning, it is difficult for the applicant to commute a distance of about 100 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, 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, considering the fact about the children to be residing with the applicant, who has no source of earning and also considering the fact about the respondent having not come forward to contest the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/446/2023, titled '*Gurpreet Singh Vs. Preetvinder Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Rupnagar, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Rupnagar, 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.

06.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No