



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.108

TA-1017-2024

Date of Decision: 10.02.2025

JYOTI

....Applicant

Versus

JASVIR SINGH @ MUNDARI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Lupil Gupta and Ms. Hardeep Gandhi, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 04.12.2024.

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, titled '*Jasvir Singh @ Mundari Vs. Jyoti*' (Annexure P-1), filed by the respondent-husband, pending in the Family Court, Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Tarn Taran.

In pursuance of the notice issued, respondent did not make appearance and as such was proceeded against *ex parte*.

Learned counsel for the applicant 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 23.02.2019. Two children born from the said wedlock, are presently in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. However, besides the petition under



Section 9 of the Hindu Marriage Act, filed by the respondent, there is no other litigation, arising from this matrimonial dispute between the parties. Also, it is submitted that the applicant has no source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 190 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act, more particularly, while taking care of the minor children.

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, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act, titled '*Jasvir Singh @ Mundari Vs. Jyoti*' (Annexure P-1), filed by the respondent-husband, stands transferred from the Family Court, Sangrur, to the Court of competent jurisdiction at Tarn Taran. The requisite record of the aforesaid case be sent by the Family Court, Sangrur, to the District and Sessions Judge, Tarn Taran.

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

10.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No