

TA-1036-2024

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2025:PHHC:123547



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

Sr. No.106

TA-1036-2024

Date of Decision: 10.09.2025

MANPREET KAUR

....Applicant

Versus

RAVI SHER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. U.K. Agnihotri and Ms. Anshul Agnihotri, Advocates
for the applicant.

Mr. Anupam Bhardwaj, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

At this stage, it has been brought to the notice of this Court that in compliance of the order dated 29.08.2025, an application for setting aside of the *ex parte* proceedings, has been filed before learned Family Court. Even, reply to the said application has been filed. Copy of the same application, as well as reply, has been supplied in the Court today, which are taken on record. This is sufficient compliance of the order dated 29.08.2025, passed by this Court.

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/1652/2023, titled '*Ravi Sher Singh Vs. Manpreet Kaur*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks



transfer of the same to the Court of competent jurisdiction at Batala, District Gurdaspur.

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

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the respondent-Ravi Sher Singh, is presently residing in New Zealand, at 206, Tramline Road, RD 3, Morrinsville Waicatto. On account of the matrimonial dispute, the parties are residing separate. One son was born from the said wedlock of the applicant and respondent, on 25.05.2019, who is in the care and custody of the applicant. The applicant has got lodged an FIR bearing No.107 dated 17.11.2023, under Section 313, 406, 498-A and 506 IPC, at Police Station Fatehgarh Churian, Batala (Gurdaspur), relating to which, cancellation report was prepared, but however, again re-inquiry has been ordered on the same, which is still pending before the police authorities. Further also, it is submitted that the petition under Section 13-B of the Hindu Marriage Act, was filed in a mischievous manner, while misusing the signed papers of the applicant. Also, the applicant has no source of earning and her mother is an aged woman. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 70 kilometres, to defend the divorce petition.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant has not come to the Court with clean hands. The fact of the respondent residing in New Zealand, is not



disputed. It is submitted that at earlier instance, the petition under Section 13-B of the Hindu Marriage Act, was filed and the statements of first motion were recorded. However, in the mischievous manner, the applicant had withdrawn her consent and as such, the petition under Section 13-B of the Hindu Marriage Act, was disposed of by learned Family Court. So far as, the FIR, as detailed aforesaid is concerned, it is submitted that cancellation report has been prepared and no such re-inquiry has been ordered. Furthermore, it is submitted that the applicant is a woman of resources. She is the sole legal heir in her parental family and as such, has landed property. Also, it is submitted that Fatehgarh Churian, is equi-distant from Amritsar, as well as Batala. In the given circumstances, it is submitted that there is no such requirement to accept the transfer application.

In view of the submissions aforesaid, it is pertinent to mention that in the case in hand, the applicant herself is not working and is also taking care of the son. The respondent himself is residing in New Zealand. The divorce petition has been filed by the respondent, through his father, who is his attorney-holder. Although, the petition under Section 13-B of the Hindu Marriage Act was earlier filed, on account of amicable settlement, but the said settlement did not fructify for whatsoever may be the reason and the said petition was disposed of by learned Family Court. The distance between the two places, is stated to be only 28 kilometres by the counsel for the respondent. May it be so. However, the distance between the two places is one of the factors, which ought to be taken into consideration. The very primary factor in the present case is the son, living with the applicant, who is about 6 years old.



In view of the aforesaid fact situation and also considering the convenience of the applicant, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1652/2023, titled '*Ravi Sher Singh Vs. Manpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Batala, District Gurdaspur. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Gurdaspur.

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

10.09.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes/No