

TA-1055-2024

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2025:PHHC:037472



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

Sr. No.207

TA-1055-2024

Date of Decision: 19.03.2025

SIMARJEET KAUR

....Applicant

Versus

GURPREET SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Liaqat Ali, Advocate
for the applicant.

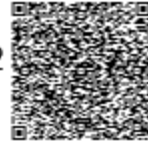
None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 12.12.2024, despite service, the respondent did not make appearance on that date. Even today, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

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/28/2024, titled '*Gurpreet Singh Vs. Simarjeet Kaur*', filed by the



respondent-husband, pending in the Family Court, Fatehgarh Sahib and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

It is submitted by the counsel for the applicant that from the wedlock of the parties to the lis, one daughter was born on 02.08.2023 and she is presently in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant has also filed the divorce petition i.e. HMA/1/2024, which is pending in the Courts at Ludhiana and the same is still at appearance stage. Also, it is submitted that the applicant is not working and as such, is not having any source of earning. She is totally dependent upon her parental family. In the given circumstances, it is submitted that 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 respondent not having come forward to resist the application and also considering the fact about the applicant taking care of the minor daughter, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/28/2024, titled '*Gurpreet Singh Vs. Simarjeet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Fatehgarh Sahib, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Fatehgarh Sahib, to the District and Sessions Judge, Ludhiana.



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

19.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No