



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

Sr. No.111

TA-1148-2024

Date of Decision: 30.01.2025

JASPAL KAUR

....Applicant

Versus

GURDIAL SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sukhbir Maandi, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 22.01.2025.

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. HMA/153/2022, titled '*Gurdial Singh Vs. Jaspal Kaur*', filed by the respondent-husband, pending in the Family Court, Tarn Taran and she seeks transfer of the same to the Court of competent jurisdiction at Ajnala, District Amritsar.

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.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place in December, 2002. Two children were born from the said wedlock, who are now major and are residing with the applicant. On account of the matrimonial discord, the applicant had earlier filed the divorce petition in Tarn Taran and the same



TA-1148-2024

was dismissed, vide order dated 20.02.2016 and the petition in hand, filed by the respondent, is the second divorce petition. Even, the applicant had filed the petition for seeking maintenance, which was allowed and an amount of Rs.5,000/- was awarded as maintenance to the applicant. Also, it is submitted that she is fully dependent upon the maintenance granted by the Court and has no independent source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to defend the divorce petition.

At the very outset, it is pertinent to mention that even though, it has been held by the Courts time and again, that the convenience of the wife ought to be taken into consideration, in the transfer applications relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the application and the reply, if so filed, also ought to be taken into consideration. In the case in hand, two children, though, are residing with the applicant, but however, both are major. Even, the applicant is getting maintenance amount from the respondent.

In view of the aforesaid fact situation and also considering the distance between the two places, no case is made out for transfer of the divorce petition. Hence, the application is hereby dismissed.

However, the applicant has an option to seek litigation expenses, by moving appropriate application, before the Court concerned.

30.01.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No