



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.210

TA-1190-2024

Date of Decision: 19.03.2025

SARABJEET KAUR

....Applicant

Versus

GURSEWAK SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Lupil Gupta, Mr. Simranjot Singh and
Mr. Rahul, Advocates 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/2008/2024, titled '*Gursewak Singh Vs. Sarabjit Kaur*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Moga.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 15.01.2023, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant had filed the petition



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under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Moga, at appearance stage. The applicant is not having any source of earning and as such, it is difficult for her to commute a distance of about 53 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act, which was otherwise also, filed after filing of the petition under the Protection of Women from Domestic Violence Act.

In view of the submissions aforesaid 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, more particularly, considering the fact about the respondent not having come forward to resist the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/2008/2024, titled '*Gursewak Singh Vs. Sarabjit Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Moga. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Moga.

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

19.03.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No