

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

Sr. No.104

TA-1322-2023

Date of Decision: 20.02.2025

AMANDEEP KAUR

....Applicant

Versus

DALBIR SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Suraj Bhan Panchal, Advocate
for the applicant.

Mr. Rajesh Duhan, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the civil suit i.e. CS/72/2022, titled '*Dalbir Singh Vs. Amandeep Kaur*', filed by the respondent-husband, pending in the Courts at Moonak, District Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Kaithal.

In pursuance of the notice issued, respondent made appearance through counsel. However, reply has not been filed. The counsel for the respondent submits that he does not intend to file reply to the transfer application, though, he contests the same.

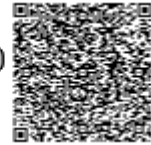
Learned counsel for the parties heard.



It is submitted by the counsel for the applicant that the marriage between the applicant and the respondent, was performed on 02.12.2010. One son born from the said wedlock, who is aged about 5 years, is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant is not working and as such, has no source of income. Even, the applicant has filed the petition under Section 13 of the Hindu Marriage Act, which is pending in the Courts at Kaithal and the respondent is making appearance in the same. Also, the applicant had filed the petition under Section 9 of the Hindu Marriage Act, in the Courts at Moonak, which stood transferred to the Courts at Kaithal, vide order dated 03.03.2023, passed by this Court in TA-281-2023. The respondent is making appearance in the said case as well.

On the contrary, the counsel for the respondent resist the claim for transfer of the civil suit, as he submits that the jurisdiction of the case is at Moonak and the applicant can very well pursue the case, if the same is not so transferred.

In view of the aforesaid fact situation, 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 applicant to be taking care of the minor son born from the wedlock of the parties and also keeping in view the fact about the divorce petition and the petition under Section 9 of the Hindu Marriage Act, to be already pending in the Courts at Kaithal, the transfer application is allowed and the civil suit i.e. CS/72/2022, titled '*Dalbir Singh Vs. Amandeep Kaur*', filed by the respondent-husband, stands transferred from the Courts at Moonak, District Sangrur, to the Court of competent



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jurisdiction at Kaithal. The requisite record of the aforesaid case be sent by the Court concerned at Moonak, to the District and Sessions Judge, Kaithal.

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

20.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No