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2025:PHHC:009728



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

Sr. No.121

TA-1224-2024

Date of Decision: 23.01.2025

ASHA RANI

....Applicant

Versus

KASHMIR SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Dinesh Nagar, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 13.01.2025.

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. DMC/1577/2023, titled '*Kashmir Singh Vs. Asha Rani*', filed by the respondent-husband, pending in the Family Court Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at SBS Nagar.

In pursuance of the notice issued, respondent did not make appearance and as such, he was proceeded against *ex parte*.

Learned counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 04.02.2011. Twin daughters were born from the said wedlock on 06.09.2011, who are presently in the care and custody of the applicant. However, due to the matrimonial discord, the parties are residing separate.

The applicant has also filed the petition under Section 125 Cr.P.C. i.e. MNT-



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125/73/2020, which is pending in the Courts at SBS Nagar and the respondent is making appearance in the same. Also, it is submitted that the applicant is not having any source of earning. While taking care of the minor daughters, it is difficult for her to commute a distance of about 54 kilometres, to defend the divorce petition.

In view of the aforesaid fact situation 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, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1577/2023, titled '*Kashmir Singh Vs. Asha Rani*', filed by the respondent-husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at SBS Nagar. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, SBS Nagar.

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

23.01.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No