



TA-1362-2023

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

Sr. No.105

TA-1362-2023

Date of Decision: 29.01.2025

KAMALPREET KAUR**....Applicant****Versus****JAGROOP SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Applicant-in-person, along with
Mr. Atul Aggarwal, Advocate.

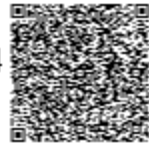
Mr. S.S. Brar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 (1) (i-a) of the Hindu Marriage Act i.e. DMC/773/2023, titled '*Jagroop Singh Vs. Kamal Preet Kaur*', filed by the respondent-husband, pending in the Family Court, Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.



TA-1362-2023

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 25.01.2017. Two daughters were born from the said wedlock, who are about 6 years old and 3 years old and are presently, in the care and custody of the applicant. It is further submitted that both the applicant, as well as the respondent, are doctors and on account of her duties, it is difficult for the applicant to commute a distance of about 240 kilometres, to defend the divorce petition, more particularly, while taking care of the minor daughters.

On the contrary, the counsel for the respondent has resisted the claim for transfer of the divorce petition. He submits that the respondent is working in Government Hospital and he is having dual charge of Bathinda and Talwandi Sabo and as such, the discharge of duties by him shall be hampered, in case the transfer application is accepted.

In view of the aforesaid submissions, taking into consideration the preference ought to be given to the convenience of the wife, in the transfer applications, relating to the matrimonial dispute and also considering the fact about both the minor daughters born from the wedlock being in the custody of the applicant, it shall definitely be difficult for her to defend the divorce petition, amidst discharging her duties and taking care of her minor children.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 (1) (i-a) of the Hindu Marriage Act i.e. DMC/773/2023, titled '*Jagroop Singh Vs. Kamal Preet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Bathinda, to the Court of competent jurisdiction at Chandigarh. The



TA-1362-2023

requisite record of the aforesaid case be sent by the Family Court, Bathinda, to the District and Sessions Judge, Chandigarh.

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

29.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No