



TA-1372-2023

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

Sr. No.106**TA-1372-2023****Date of Decision: 10.01.2025****LAKHVIR KAUR****....Applicant****Versus****BALJIT SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Sweta, Advocate for
Mr. Sanjeev Sharma, Advocate
for the applicant.

Mr. Amrinder Singh, Advocate
for the respondent.

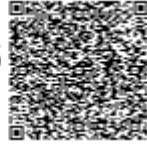
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/691/2023, titled '*Baljit Singh Vs. Lakhvir Kaur*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar.

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

Learned counsel for the parties heard.

At the very outset, it is submitted by the counsel for the



TA-1372-2023

applicant that the marriage between the parties to the lis, had taken place on 29.11.2012. Two children were born from the said wedlock, who are about 11 years old and 8 years old and they are presently in the care and custody of the respondent. Also, it is submitted that the respondent had gone abroad on 17.07.2020 and left the applicant and the minor children, at the mercy of other family members. Furthermore, it is submitted that the applicant has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at SAS Nagar. The applicant has no source of earning and as such, it is difficult for her to defend the divorce petition, pending in the Courts at Ambala.

On the contrary, the counsel for the respondent has vehemently refuted the claim of the applicant. In fact, while making reference to paragraphs No.10 and 11 of the reply, he submits that the father of the respondent, namely Jai Singh, had committed suicide and he had left a handwritten suicide note, thereby painting incriminating role of the applicant and her family members, as a result whereof, FIR bearing No.275 dated 11.10.2022 under Sections 306 and 34 IPC, was registered against the applicant and her family members, at Police Station GRP, Ambala Cantt. Qua the said criminal case, the applicant and her parental family is already facing trial in the Courts at Ambala. In the given circumstances, it is submitted that if the applicant can pursue the trial, pending before the Courts at Ambala, then she can very well defend the divorce petition also.

In view of the aforesaid fact situation, it is pertinent to mention that it is not disputed that the applicant along with her family members is facing trial in the criminal case, registered *vis-a-vis* the suicide of Jai Singh, in the Courts at Ambala.



TA-1372-2023

Considering the fact of the applicant already pursuing one litigation in the Courts at Ambala, no case is made out for transfer of the divorce petition, wherein, the applicant is not required to make presence, on each and every date of hearing. Hence, the application is hereby dismissed.

10.01.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No