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

Sr. No.112**TA-1273-2024****Date of Decision: 30.01.2025****AMANDEEP KAUR****....Applicant****Versus****KULWINDER SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. R.S. Gill, Advocate for
Mr. J.S. Dhaliwal, Advocate
for the applicant.

None 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/03/2023, titled '*Kulwinder Singh Vs. Amandeep Kaur*', filed by the respondent-husband, pending in the Family Court Faridkot and she seeks transfer of the same to the Court of competent jurisdiction at Malout, District Sri Muktsar Sahib.

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

Learned counsel appearing on behalf of the applicant heard.



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It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 04.11.2019. One son was born from the said wedlock, who is about 4 years and is presently in the care and custody of the applicant. The applicant is a government Teacher and presently she is posted at GSSS, Pind Malout, District Sri Muktsar Sahib. Also, it is submitted that the respondent is working as a Stenographer with the Department of Excise and is posted at Sri Muktsar Sahib and he commutes daily, from Faridkot.

Furthermore, it is submitted that the applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is pending in the Courts at Malout, at appearance stage. Besides the same, it is submitted that the respondent is facing trial, relating to the FIR bearing No.188 dated 25.10.2023, under Sections 406 and 498-A IPC, got lodged by the applicant at Police Station City Malout, in the Courts at Malout. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 70 kilometres, to defend the divorce petition, more particularly, while taking care of the minor child.

In view of the aforesaid submissions 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 of the respondent being posted in Sri Muktsar Sahib, where he commutes daily, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/03/2023, titled '*Kulwinder Singh Vs. Amandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Faridkot, to



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the Court of competent jurisdiction at Malout, District Sri Muktsar Sahib. The requisite record of the aforesaid case be sent by the Family Court, Faridkot, to the District and Sessions Judge, Sri Muktsar Sahib.

Learned District and Sessions Judge, Sri Muktsar Sahib, shall assign the said petition to the Family Court (Camp Court) Malout. Even, the parties are directed to appear before the Family Court (Camp Court) Malout, within a period of one month from today onwards.

30.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No