

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

Sr. No.412

**TA-1282-2024
Date of Decision: 25.03.2025**

BABITA

....Applicant

Versus

SHAMSHER SINGH @ SHERA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Jaspreet Kaur, Advocate
for the applicant.

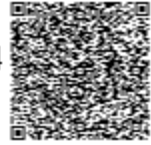
None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 07.02.2025, despite service, the respondent did not make appearance on that date. Even today, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

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/967/2024, titled '*Shamsher Singh Vs. Babita*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks transfer of the



same to the Court of competent jurisdiction at Faridkot.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 06.10.2020. One daughter was born from the said wedlock, who is about 2½ years old at present and she is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant has filed the petition under the Protection of Women from Domestic Violence Act i.e. COMA/27/2024 and the petition under Section 125 Cr.P.C. i.e. MNT-125/30/2024, which are pending in the Courts at Faridkot. Both the said petitions are at the appearance stage. The applicant is not having any source of income and in these circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 143 kilometres, to defend the divorce petition.

In view of the submissions aforesaid, 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 while considering the respondent having not come forward to resist the application and also considering the distance between the two places and the applicant having no source of earning, as well as taking care of the minor daughter, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/967/2024, titled '*Shamsher Singh Vs. Babita*', filed by the respondent-husband, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Faridkot. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Faridkot.



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

25.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No