



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

206

TA-1385-2024(O&M)

Date of Decision: September 03, 2025

Baljinder Kaur

...Applicant

Versus

Harsimranpreet Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ruhani Chadha, Advocate
for the applicant.

Mr.Amit Arora, Advocate
for the respondent.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the application under Order 9 Rule 13 read with Section 151 CPC, filed at the instance of the applicant, for setting aside of the judgment and decree dated 07.10.2023 passed by learned Family Court, Tarn Taran.

In pursuance of the notice issued, the respondent made appearance through counsel. But however, reply was not filed, despite last opportunity. In the given circumstances, no further opportunity to file reply, as such, can be granted.

Counsel for the parties heard.

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



applicant that the ex-parte decree of divorce in CIS No.HMA-28-23 was obtained by the respondent-husband, by giving wrong facts, with regard to the residence of the applicant. In fact, the address was mentioned as 185, New Jawahar Nagar, Jalandhar, whereas, the applicant had no concern with said address. In fact, she is stated to be resident of House No.116-B, Raj Nagar, Basti Bawa Khel, Jalandhar. In the given circumstances, it is submitted that the decree of divorce was obtained in the deceitful manner. As and when the applicant came to know about the passing of the ex-parte decree, she had filed an application under Order 9 Rule 13 CPC, copy whereof is Annexure P-2.

Furthermore, it is submitted that it is difficult for the applicant to pursue the aforesaid application, pending in the Courts at Tarn Taran, solely, on account of hostile circumstances, created at the behest of the respondent. Moreover, it is submitted that the applicant had already filed petition under Section 144 of the BNSS, which is pending before Family Court, Jalandhar. The distance between two places is stated to be 97 kms. In the given circumstances, a prayer has been made for transfer of the application under Order 9 Rule 13 CPC.

On query by the Court, it is submitted by learned counsel for the applicant that in the said application, the respondent had already made appearance, but however, it was at the stage of filing of the reply, when the stay was granted by this Court.

On the other hand, learned counsel for the respondent submits that the Court shall be disturbing the jurisdictional balance, if the transfer

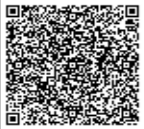


application, as such, is accepted.

In view of the submissions aforesaid, it is pertinent to mention that generally, the preference is given by the Courts to the convenience of the wife, while considering the transfer applications, relating to the matrimonial dispute. In the case in hand, the allegations are such, about the respondent, having obtained the ex-parte order in mischievous manner, while giving wrong address of the applicant in the divorce petition.

However, the said fact shall be appraised by the Court concerned, while considering the application under Order 9 Rule 13 CPC. But anyhow, there are other circumstances, spelt out. The applicant, is not having any source of earning. She has already filed petition under Section 144 BNSS. In view of the assertions made in the application, with regard to conduct of the respondent, definitely, while covering the distance of 97 kms., to pursue the application under Order 9 Rule 13 CPC, besides inconvenience caused to the applicant, any other mischief played, at the behest of the respondent, cannot be ruled out.

Considering all the aforesaid circumstances, it is just and expedient to accept the transfer application. As such, the present transfer application is hereby allowed and the application under Order 9 Rule 13 read with Section 151 CPC' filed at the instance of the applicant, stands transferred from the Family Court, Tarn Taran, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court, Tarn Taran to the District and Sessions Judge, Jalandhar.



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

September 03, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No