



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

Sr. No.107

**TA-1629-2023 (O&M)
Date of Decision: 25.04.2025**

GAGANDEEP KAUR

....Applicant

Versus

AMARIT PAL SINGH ALIAS AMRITPAL SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vikas Bali, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

CM-7686-CII-2025

The present application has been filed for placing on record the additional documents, with regard to the petition under Section 125 Cr.P.C., which is pending between the parties, at Sunam.

In view of the averments made in the application, same is allowed and the requisite documents are taken on record.

Main case

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/2543/2019, titled '*Amarit Pal Singh Vs. Gagandeep Kaur*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Sangrur.

Upon notice, the respondent did not make appearance, despite service. As such, he is proceeded against *ex parte*.



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The counsel for the applicant heard.

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 20.10.2016. One daughter born from the said wedlock, who is about 7 years old, is in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not working and as such, has no independent source of earning. She is dependent upon her parental family. Furthermore, it is submitted that the applicant, together with the minor daughter, has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Sunam.

In view of the submissions aforesaid, it is pertinent to mention that the memorandum of parties, reveal about the applicant to be a resident of Sunam, District Sangrur. Upon this, a query was put to the counsel for the applicant, as to why, the divorce petition is not sought to be transferred at Sunam, which also has a Camp Court. In view of the same, the counsel for the applicant has submitted that the applicant has no objection, if the divorce petition is transferred to Sunam, instead of Sangrur, as pleaded in the application.

In the light of the aforesaid fact situation and considering the preference, generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is not having any source of earning and taking care of the minor daughter and also considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed. However, since the applicant is a resident of Sunam, which also has a Camp Court and considering the fact about the petition under Section



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125 Cr.P.C., already pending in the Courts at Sunam, instead of transferring the petition under Section 13 of the Hindu Marriage Act i.e. HMA/2543/2019, titled '*Amarit Pal Singh Vs. Gagandeep Kaur*', filed by the respondent-husband, to Sangrur, the same is hereby transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Sunam, District Sangrur. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Sangrur.

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

Pending civil miscellaneous application also stands disposed of.

25.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No