



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

Sr. No.107**TA-1658-2023****Date of Decision: 10.01.2025****RAVINDER****....Applicant****Versus****GURPINDER SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Puneet Kumar Bansal, Advocate
for the applicant.

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/9/2023, titled '*Gurpinder Singh Vs. Ravinder*', filed by the respondent-husband, pending in the Family Court (Camp Court) Baghapurana, District Moga and she seeks transfer of the same to the Court of competent jurisdiction at Ferozepur.

In pursuance of the notice issued, respondent made appearance through Dr. Payel Mehta, legal aid counsel. She has filed Power of Attorney on behalf of the respondent, which is taken on record. She submits that she does not intend to file reply, though, she contest the transfer application.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 13.02.2015, but no child was born from the said wedlock. Further, it is submitted that the applicant



had already filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Ferozepur, wherein, interim maintenance has been fixed, but the same has not been paid by the respondent. Also, the applicant has filed the petition under Section 9 of the Hindu Marriage Act, which is also pending in the Courts at Ferozepur. The applicant is not doing any work and as such, has no source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 60 kilometres from Ferozepur to Baghapurana.

On the contrary, the counsel for the respondent submits that the applicant herself is at fault, on account whereof, the divorce petition has been filed. As such, it is submitted that the applicant should not be allowed to take benefit of her own wrongful conduct.

Though, it is submitted by the counsel for the respondent about the wrongful conduct to be there on the part of the respondent, but however, no reply has been filed. Even otherwise, the contents of the divorce petition shall be appraised by the Court concerned, at the appropriate time.

Considering the submissions made by the counsel 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, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/9/2023, titled '*Gurpinder Singh Vs. Ravinder*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Baghapurana, District Moga, to the Court of competent jurisdiction at Ferozepur. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Baghapurana, to the District and Sessions Judge, Ferozepur.



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

10.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No