



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

Sr. No.120

**TA-1591-2024
Date of Decision: 28.04.2025**

NISHA

....Applicant

Versus

GURPREET

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nitin Bhanwala, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 05.02.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. 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/2081/2023, titled '*Gurpreet Singh Vs. Nisha*', filed by the respondent-husband, pending in the Family Court, Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

It is submitted by the counsel for the applicant that the marriage



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between the parties to the lis, had taken place on 03.12.2014. Two children were born from the said wedlock, son aged 7 years and daughter aged 5 years and both the said children are in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning and as such, she is dependent upon her parental family. Also, it is submitted that the applicant has already filed the petition under Section 12 of the Protection of Women from Domestic Violence Act and the petition under Section 125 Cr.P.C., which are pending in the Courts at Jind and the respondent is making appearance in both the said cases. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 120 kilometres, to defend the divorce petition.

In view of the submissions aforesaid and taking into consideration that generally the Courts lean towards 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 is taking care of two minor children; considering the fact of the respondent not having come forward to resist the application; taking into consideration the distance between the two places and also considering the fact about two cases arising from the matrimonial dispute, already pending in the Courts at Jind, which are being pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/2081/2023, titled '*Gurpreet Singh Vs. Nisha*', filed by the respondent-husband, stands transferred from the Family Court, Sangrur, to the Court of competent jurisdiction at Jind. The requisite record of the aforesaid case be sent by the Family Court, Sangrur, to the District and Sessions Judge, Jind.



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

28.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No