

TA-861-2024

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

Sr. No.116

TA-861-2024

Date of Decision: 07.08.2025

POONAM

....Applicant

Versus

JASPREET SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Gurmeet Singh, Advocate  
for the applicant.

None for the respondent.

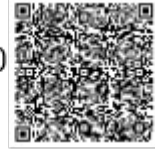
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**ARCHANA PURI, J. (Oral)**

Perusal of the paperbook reveals that on the last date of hearing, despite service, the respondent did not make appearance. 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 through her father, who is the attorney holder, for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/75/2023 titled '*Jaspreet Singh v/s Poonam Goswami*', filed by the respondent-husband, pending in



TA-861-2024

the Family Court (Camp Court) Payal, District Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

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 07.11.2016 and one son was born from the said wedlock, is about 8 years old. Also, it is submitted that the child is not keeping good health and father of the applicant, who is the attorney holder, is also required to take care of the child. Besides the same, the attorney holder has some age related health issues. In the given circumstances, it is submitted that it is difficult for the attorney holder also, to cover a distance of about 110 kms, to defend the divorce petition.

May be so, the respondent has not come forward to resist the transfer application, but however, the material facts, as spelt out from the application itself, ought to be taken into consideration. The applicant/wife/Poonam is herself residing in United Kingdom and the application has been filed through her father/attorney holder. Generally, the courts give weightage to the convenience of the wife, but however, such convenience in itself cannot be extended to the attorney holder. Even though, the child is stated to be not keeping good health, but no material has been brought on record, to so substantiate the version. However, only one OPD slip, of the attorney holder, is coming on record. Though, he may be suffering from health relates issues, but his movement has never been restricted by the doctors' concerned. Moreover, it has to be taken into consideration that it is a civil litigation, where the applicant is not required to make appearance, on each and every date of hearing.



TA-861-2024

Considering the aforesaid factual position, no case is made out for allowed the transfer application. Hence, the same is hereby dismissed.

However, the applicant always has an option to file an application for making appearance before the court concerned, as and when required, through electronic mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

**07.08.2025**

Sonu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No