



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

Sr. No.104

TA-1374-2023

Date of Decision: 06.05.2025

RUPINDER KAUR

....Applicant

Versus

PIARA SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rahul Arora, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 14.02.2025.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/217/2023, titled '*Piara Singh Vs. Rupinder Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Rajpura, District Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Bathinda.

Upon notice, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.

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, was solemnized on 17.02.2018, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is totally dependent upon her parental family, consisting of her aged mother and her brother. Also, she had filed the complaint before the Women Cell, Bathinda. Furthermore, it is submitted that she had filed the petition under the Protection of Women from Domestic Violence Act i.e. COMA/347/2024, which is pending in the Courts at Bathinda and the respondent is making appearance in the same. The distance between the two places is about 186 kilometres. In the given circumstances, it is submitted that it is difficult for the applicant, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid 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 respondent has not come forward to resist the application or to pinpoint any mitigating circumstances in his favour; considering the applicant to be not working and dependent upon her parental family; and also considering the distance between the two places, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/217/2023, titled '*Piara Singh Vs. Rupinder Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Rajpura, District Patiala, to the Court of competent jurisdiction at Bathinda. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Rajpura, to the District and Sessions Judge, Bathinda.



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

However, since the distance is about 186 kilometres, the respondent always has an option to file an application, for seeking permission to make appearance before the Court concerned, through virtual mode and the Court concerned shall pass an appropriate order, in the fitness of circumstances, considering the need of the personal appearance of the respondent.

06.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No