



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

Sr. No.111

TA-1097-2024

Date of Decision: 25.03.2025

RIMPY RANI

....Applicant

Versus

SUKHWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sunny Singla, Advocate
for the applicant
(through video conferencing).

Respondent proceeded against *ex parte*
vide order dated 12.03.2025.

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. DMC/358/2024, titled '*Sukhwinder Singh Vs. Rimpay Rani*', filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Fatehgarh Sahib.

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

Learned counsel for the applicant heard.

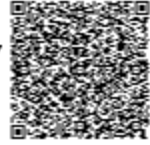
It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 09.02.2019. One son born from the said wedlock, who is about 5½ years old, is in the care and custody of the applicant. However, on account of the matrimonial discord, the



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parties are residing separate. The applicant, together with her son, had filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Fatehgarh Sahib and the respondent is making appearance in the same. Also, it is submitted by the counsel that the petition under Section 9 of the Hindu Marriage Act was filed by the respondent at Patiala. However, the applicant had filed the transfer application i.e. TA-1382-2022 and the said petition was transferred vide order dated 20.02.2023, copy whereof is Annexure P-2 and now, the same is pending in the Courts at Fatehgarh Sahib. The applicant is not having any source of earning and thus, it is difficult for her to defend the divorce petition, pending in the Courts at Patiala.

In view of the submissions aforesaid 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, more particularly, when the respondent has come forward to resist the application; considering the fact about the applicant herself to be having no source of earning and taking care of the minor son, and particularly, when the petition under Section 9 of the Hindu Marriage Act, filed by the respondent stood transferred vide Annexures P-2, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/358/2024, titled '*Sukhwinder Singh Vs. Rimpay Rani*', filed by the respondent-husband, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Fatehgarh Sahib. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Fatehgarh Sahib.



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

25.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No