



TA-1337-2024

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

Sr. No.132

TA-1337-2024

Date of Decision: 13.02.2025

KOMAL KANDA

...Applicant

Versus

RANDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. H.S. Dhandi, Advocate
for the applicant.

Mr. A.S. Brar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The present application has been filed by the applicant-wife (through her attorney-holder i.e. Pawan Kumar, who is her father), for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/37/2024, titled '*Randeep Singh Vs. Komal*', 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 SBS Nagar.

In pursuance of the notice issued, respondent did made appearance through counsel. However, the counsel for the respondent



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submits that he does not intend to file reply to the transfer application, though he contests the same.

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 15.02.2020. One daughter born from the said wedlock, is in the care and custody of the applicant. In fact, it is submitted that on account of the matrimonial dispute, the divorce petition has been filed by the respondent, which is pending in the Courts at Baghapurana, District Moga. Since the applicant is living at Canada, it will be difficult for her father, who is her attorney-holder, to pursue the said litigation, as there is threat extended to him, at the instance of the respondent and therefore, the attorney-holder is being obstructed to pursue the divorce petition at Baghapurana. Thus, a prayer for transfer of the divorce petition has been made.

On the contrary, the counsel for the respondent, though has not filed the reply, but he submits that no such threat was extended to the attorney-holder of the applicant, at the instance of the respondent. In fact, it is submitted that even if, the father of the applicant feels that there is such threat, he always has an option to knock the door of the authorities concerned, to redress the grievance.

In view of the submissions aforesaid, it is pertinent to mention that the applicant herself, is not residing at SBS Nagar and she is residing at Canada, along with her daughter. The transfer application has been filed through the attorney-holder, who is her father. Even though, it is asserted about there to be a threat, for not allowing to pursue the divorce petition at



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Baghapurana, but however, the allegations are quite vague. Even if, there is a fear of threat, at the instance of the respondent, but the attorney-holder of the applicant, who is her father, always has an option, to knock the door of the authorities concerned and seek appropriate remedy. But anyhow, in view of the vague assertion coming forth, no case is made out for allowing the application.

Hence, the transfer application is hereby dismissed.

13.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No