



TA-919-2023

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

Sr. No.105

TA-919-2023

Date of Decision: 02.05.2025

LAKHWINDER KAUR

...Applicant

Versus**LAKHWINDER SINGH AND ANOTHER**

....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. G.S. Hayer, Advocate
for the applicant.

Respondent No.1 (sole contesting respondent)
proceeded against *ex parte*,
vide order dated 08.04.2025.

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. titled "Lakhwinder Singh v/s Lakhwinder Kaur and another", filed by the respondent/husband, which is pending in the Family Courts, Jalandhar and she seeks transfer of the same to the court of competent jurisdiction at Moga.

Upon notice, the respondent No.1 (sole contesting respondent) did not make appearance and as such, was proceeded against *ex parte*.

Counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 07.03.2021 and no child was born from the said wedlock. On account of matrimonial discord, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning and she is dependent upon her parental family. It is further



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submitted that the applicant has filed petition under Section 125 Cr.P.C. which is pending in the Courts at Moga. Besides the same, she has also filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, and in both the cases respondent is making appearance, through counsel.

In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 90 kms from the place of her residence to defend the petition under Section 13 of Hindu Marriage Act.

In view of the aforesaid fact situation and also considering the fact that generally the courts give preference to the convenience of the wife in the transfer applications, relating to the matrimonial disputes, more particularly, when the respondent has not come forward to contest the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. titled "Lakhwinder Singh v/s Lakhwinder Kaur and another", filed by the respondent/husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Moga. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, Moga.

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

02.05.2025

Anu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes/No