



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

Sr. No.121

TA-1033-2024

Date of Decision: 28.03.2025

KULWINDER KAUR

....Applicant

Versus

BUDH SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Jatinder Pal Singh, Legal Aid Counsel,
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 27.02.2025.

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/1375/2020, titled '*Budh Singh Vs. Kulwinder Kaur*', filed by the respondent-husband, pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

In pursuance of the notice issued, 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 10.04.1995. Two children born from the said wedlock, are in the care and custody of the applicant. The applicant had filed the petition under Section 125 Cr.P.C., which was allowed, but however, for seeking payment of maintenance granted, the execution is still pending before the Family Court, Hoshiarpur. The



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applicant is not having any source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to defend the divorce petition.

In view of the aforesaid fact situation, more particularly, considering the fact about the respondent having not come forward to resist the application and also taking into consideration the fact of other litigation already pending in the Courts at Hoshiarpur, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1375/2020, titled '*Budh Singh Vs. Kulwinder Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, Hoshiarpur.

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

28.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No