



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

Sr. No.103

TA-943-2024

Date of Decision: 01.03.2025

RAJBIR KAUR

...Applicant

Versus

BALVINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pawan Attri, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13-A of the Hindu Marriage Act i.e. HMA/654/2023, titled '*Balvinder Singh Vs. Rajbir Kaur*', filed by the respondent-husband, pending in the Family Court, Jagadhri, District Yamuna Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Pehowa, District Kurukshetra.

As observed in the order dated 07.02.2025, none had made appearance on behalf of the respondent, despite service. Even today, none has made appearance on his behalf. As such, the respondent is 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 02.12.2018, but no child was born from the said wedlock. On account of the matrimonial discord, the parties are residing separate. Further, it is submitted by the counsel that the applicant is not working and as such, has no source of earning. Even, she has filed the petition under Section 125 Cr.P.C. and the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Pehowa and the respondent is making appearance in the same. Also, the applicant has got lodged an FIR bearing No.282 dated 09.08.2023, under Sections 323, 376, 377, 406, 498-A, 506 and 511 IPC, against the respondent at Police Station Pehowa, District Kurukshetra and the same is pending investigation, as yet. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 90 kilometres, to defend the divorce petition.

In view of the submissions aforesaid, 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 applicant is having no source of earning and also considering the fact about three cases to be already pending in the Courts at Pehowa, the transfer application is allowed and the petition under Section 13-A of the Hindu Marriage Act i.e. HMA/654/2023, titled '*Balvinder Singh Vs. Rajbir Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Jagadhri, to the Court of competent jurisdiction at Pehowa, District Kurukshetra. The requisite record of the aforesaid case be sent by the Family Court, Jagadhri, to the District and Sessions Judge, Kurukshetra.



TA-943-2024

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

01.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No