



TA-790-2023

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

Sr. No.208

TA-790-2023
Date of Decision: 04.04.2025

PARAMJIT KAUR

....Applicant

Versus

GURWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Hitesh Verma, Advocate
for the applicant
(through video conferencing).

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that the respondent had made appearance through counsel on 03.10.2023. However, on the subsequent dates, none had made appearance on behalf of the respondent. Even today, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e.



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HMA/53/2023, titled '*Gurwinder Singh Vs. Paramjit Kaur*', filed by the respondent-husband, pending in the Family Court, Malerkotla and she seeks transfer of the same to the Court of competent jurisdiction at Barnala.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 10.03.2007. One son was born from the said wedlock in the year 2011, who is presently in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant had filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Barnala and the respondent is making appearance in the same. Also, it is submitted that the applicant is working in Government Primary School, Thulleweal, Barnala. Considering the same and while taking care of the minor son, it is difficult for the applicant to commute a distance of about 60 kilometres, to defend the divorce petition.

In view of the submissions aforesaid, considering the position of law about preference given to the convenience of the wife in the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is taking care of the minor son and also considering the fact about other litigation arising from this matrimonial dispute already pending in the Courts at Barnala, which is pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/53/2023, titled '*Gurwinder Singh Vs. Paramjit Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Malerkotla, to the Court of competent jurisdiction at Barnala. The



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requisite record of the aforesaid case be sent by the Family Court, Malerkotla, to the District and Sessions Judge, Barnala.

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

04.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No