

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

Sr. No.111

TA-140-2024

Date of Decision: 05.02.2025

MANDEEP KAUR

....Applicant

Versus

NIRMAL SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rakeshinder Singh Sidhu, Advocate for
Mr. Harvinder Singh Mann, Advocate
for the applicant.

Mr. Ajay Kamboj, Advocate
for the respondent.

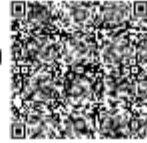
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 12 of the Hindu Marriage Act i.e. HMA/1073/2023, titled '*Nirmal Singh Vs. Mandeep Kaur*', filed by the respondent-husband, pending in the Family Court, Sirsa and she seeks transfer of the same to the Court of competent jurisdiction at Budhlada, District Mansa.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

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 19.11.2022, but no child was born from the said wedlock. However, on account of the matrimonial discord, the applicant has filed the petition under Section 12 of the



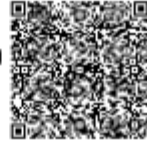
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Protection of Women from Domestic Violence Act, which is pending in the Courts at Budhlada. Besides the same, she has also filed the petition under Section 125 Cr.P.C., which is also pending in the Courts at Budhlada. In both the said cases, the respondent is making appearance and pursuing the cases. The applicant has no source of earning. Even, the distance between the two places is stated to be about 90-100 kilometres.

On the other hand, the counsel for the respondent resisted the claim for transfer of the case. While making reference to the reply filed, he submits that FIR bearing No.193 dated 02.11.2019, under Section 376 of IPC read with Section 4 and 5 of the Protection of Children from Sexual Offences Act, 2012, was got lodged by the applicant. However, later on, she did not support her version, after obtaining an amount of Rs.15,00,000/- from the parents of Lakhwinder Singh and the case thus, resulted into acquittal of Lakhwinder Singh. Considering this conduct of the applicant, it is submitted that no case is made out for transfer of the petition under Section 12 of the Hindu Marriage Act.

In view of the submissions aforesaid, it is pertinent to mention that though, there are sweeping assertion with regard to obtaining of money from the parents of Lakhwinder Singh, but however, to substantiate the said assertion, no material has been brought on record by the counsel for the respondent.

In view of the aforesaid fact situation, 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 and also considering the fact that two other cases are already pending in the Courts at Budhlada, which are being pursued by the respondent, the transfer application is



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allowed and the petition under Section 12 of the Hindu Marriage Act i.e. HMA/1073/2023, titled '*Nirmal Singh Vs. Mandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Sirsa, to the Court of competent jurisdiction at Budhlada, District Mansa. The requisite record of the aforesaid case be sent by the Family Court, Sirsa, to the District and Sessions Judge, Mansa.

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

05.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No