



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

Sr. No.228

TA-57-2024

Date of Decision: 24.03.2025

RAJNI KAUR

....Applicant

Versus

KULWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rajan Bansal, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the order dated 09.12.2024 reveals that despite service, the respondent did not make appearance on that date. Even on the subsequent date i.e. 17.03.2025, none had made appearance on behalf of the respondent. Today also, 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 9 of the Hindu Marriage Act titled '*Kulwinder Singh Vs. Rajni Kaur*', filed by the respondent-husband, pending in the Family Court, Sri Muktsar Sahib and she seeks transfer of the same to



the Court of competent jurisdiction at Bathinda.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, was solemnized on 21.08.2022, but no child was born from the said wedlock. In fact, it is submitted that on account of the matrimonial discord, the parties are residing separate. Also, it is submitted that the applicant has filed the petition under Section 12 of the Hindu Marriage Act, for annulment of marriage, which is pending in the Courts at Bathinda. The applicant is about 20 years old and is studying IELTS from 'Zenith' Maur Mandi. The applicant is totally dependent upon her parental family. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100-110 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

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, considering the fact about the respondent having not come forward to resist the application and also considering the fact about the petition under Section 12 of the Hindu Marriage Act, to be already pending in the Courts at Bathinda, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act titled '*Kulwinder Singh Vs. Rajni Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Sri Muktsar Sahib, to the Court of competent jurisdiction at Bathinda. The requisite record of the aforesaid case be sent by the Family Court, Sri Muktsar Sahib, to the District and Sessions Judge, Bathinda.

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

24.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No