



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

Sr. No.105

TA-853-2023 (O&M)
Date of Decision: 22.04.2025

INDERJIT KAUR

....Applicant

Versus

PYARA SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Jagtar Kureel, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 18.03.2025.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/131/2023, titled '*Pyara Singh Vs. Inderjeet Kaur*', filed by the respondent-husband, pending in the Family Court, Rupnagar and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

Upon notice, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.

The counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 28.01.2021, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning and is dependent upon her widow mother. The applicant has already filed the petition under Section 125 Cr.P.C. and



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the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Chandigarh and the respondent is pursuing both the said petitions. The respondent is also residing and working at SAS Nagar, though, he has filed the petition under Section 9 of the Hindu Marriage Act, at Rupnagar.

Furthermore, it is submitted that the applicant is having various health issues. She is '*asthmatic*' patient. Besides the same, while making reference to the vernacular documents attached i.e. Annexure P-3, the counsel submits that the applicant suffers from breathlessness, inability to speak, sticky vomitus and inability to control urine. In the given circumstances, it is submitted that it is difficult for the applicant to defend the petition under Section 9 of the Hindu Marriage Act, pending in the Courts at Rupnagar.

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, taking into consideration the various health issues faced by the applicant, relating to which documents have been annexed with the application and also considering the fact about the respondent having not come forward to resist the application, as well as taking into consideration the fact of the applicant having no source of earning and also considering two other cases pending in Chandigarh, which are being pursued by the respondent, the transfer application is allowed and the the petition under Section 9 of the Hindu Marriage Act i.e. HMA/131/2023, titled '*Pyara Singh Vs. Inderjeet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Rupnagar, to the Court of competent jurisdiction at Chandigarh. The



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

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

22.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No