



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

Sr. No.204

TA-1157-2024

Date of Decision: 01.05.2025

KAVITA

....Applicant

Versus

SARABJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Geeteshwar Saini, Advocate for  
Mr. R.K. Arya, Advocate  
for the applicant.

None for the respondent.

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**ARCHANA PURI, J. (Oral)**

As per the observations made in the order dated 12.03.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. 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 i.e. HMA/213/2024, titled '*Sarabjit Singh Vs. Kavita*', filed by the respondent-husband, pending in the Family Court (Camp Court) Batala, District Gurdaspur and she seeks transfer of the same to the Court of competent jurisdiction at Pathankot.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 02.04.2016. One daughter born from the said wedlock, is in the care and custody of the applicant. The



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applicant is not having any source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which is already pending in the Courts at Pathankot and the respondent has made appearance in the same. In these circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 80 kilometres, from the place of her residence, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid and considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the respondent has not come forward to resist the application and also taking into consideration the fact of the applicant, who is unemployed, taking care of the minor daughter, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/213/2024, titled '*Sarabjit Singh Vs. Kavita*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Batala, District Gurdaspur, to the Court of competent jurisdiction at Pathankot. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Batala, to the District and Sessions Judge, Pathankot.

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

**01.05.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No