



TA-1083-2023

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

Sr. No.108

TA-1083-2023

Date of Decision: 29.04.2025

SIMRAN KAUR @ KAMLESH KAUR @ GULLU

....Applicant

Versus

SWARAN SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Paras Jagga, Advocate
for the applicant.

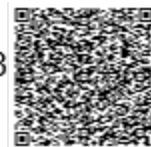
None for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that respondent No.1 had made appearance through Mr. Sumit Dua, Advocate, on 17.07.2024. Thereafter, despite the case having called time and again on several dates, none has made appearance on his behalf. 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 9 of the Hindu Marriage Act i.e. HMA/128/2023, titled '*Swaran Singh Vs. Simran Kaur @ Gullu and others*',

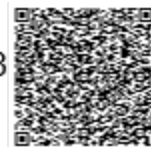


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filed by the respondent-husband, pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 14.02.2023, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and as such, is totally dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Patiala and the respondent is pursuing the same. In the given circumstances, it is submitted that it is difficult for her to commute a distance of about 154 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid and also 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, considering the fact about the applicant not having any source of earning and besides the same, also taking into consideration the fact of maintenance petition, already pending in the Courts at Patiala, which is pursued by the respondent, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/128/2023, titled '*Swaran Singh Vs. Simran Kaur @ Gullu and others*', filed by the respondent-husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by



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the Family Court, Jalandhar, to the District and Sessions Judge, Patiala.

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

29.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No