



TA-117-2024

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

Sr. No.223

TA-117-2024

Date of Decision: 29.04.2025

INDERJIT KAUR @ INDERJEET KAUR**....Applicant****Versus****NAVDEEP SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Balbir Kumar Saini, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 17.07.2024, none had made appearance on behalf of the respondent, despite service. Today also, none has made appearance on his behalf. As such, respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/2826/2023 titled "Navdeep Singh v/s Inderjit Kaur", filed by the respondent/husband, which is pending in Family Court, Ludhiana and she seeks transfer of the same to the court of competent jurisdiction at Moga.

It is submitted by the counsel for the applicant that the marriage



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between the parties was solemnized on 17.11.2015 and one son born from the said wedlock, aged about 9 years, is in the care and custody of the applicant. However, on account of matrimonial dispute, the parties are residing separate. The applicant has got lodged an FIR No.97 dated 14.06.2018 under Sections 323, 406, 498-A, 506 IPC, against the respondent and his sister, at Police Station Dharamkot, District Moga. In the said case, the respondent and his sister is facing trial and respondent was acquitted in the same. To assail the judgment of conviction, even an appeal has been filed, which is pending in the courts at Moga.

Besides the aforesaid, it is submitted that the applicant has also filed one petition under Section 125 Cr.P.C., which is also pending in the courts at Moga and the respondent is making appearance in the said petition. It is further submitted that the applicant has no source of earning and as such, it is difficult for her to commute a distance of about 60 kms to defend the divorce petition.

In view of the aforesaid fact situation and also considering the fact that generally the courts give preference to the convenience of the wife in the transfer applications, relating to the matrimonial disputes, more particularly, when the respondent has not come forward to contest the application and also considering the fact that the applicant is taking care of of the minor child, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/2826/2023 titled “Navdeep Singh v/s Inderjit Kaur”, filed by the respondent-husband, stands transferred from the Family Court, Ludhiana to the Court of competent jurisdiction at Moga. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana to the District and Sessions Judge, Moga.



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

29.04.2025

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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No