



TA-77-2025 (O&M)

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

Sr. No.125+208

TA-77-2025 (O&M)
Date of Decision: 04.09.2025

BALPREET KAUR**....Applicant****Versus****JUNGHER SINGH KALER****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Varun Chhibba, Advocate
for the applicant.

Mr. J.S. Bhandari, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)**CM-17174-CII-2025**

The present application has been filed at the behest of the respondent, for placing on record reply to the transfer application.

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

Main case

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/156/2023, titled '*Jungsher Singh Kaler Vs. Balpreet Kaur*', 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 Ludhiana.

Upon notice issued, the respondent made appearance through counsel and filed reply.



Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 05.01.2020. After two months of marriage, the respondent returned back to Australia. It was only after a period of 3 years, since the marriage, that the respondent filed the petition under Section 9 of the Hindu Marriage Act and that too, through his father, who is his attorney holder. Further, it is submitted that the applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is pending in the Courts at Ludhiana. Even though, the parents of the respondent are making appearance in the same, but however, the respondent and his sister are intentionally not making appearance. The applicant is not working and as such, she has no source of earning. She is totally dependent upon her parental family. Moreover, the distance between the two places is about 150 kilometres. In the given circumstances, it is submitted that it is difficult for the applicant, to commute such distance, to defend the petition under Section 9 of the Hindu Marriage Act.

On the other hand, counsel for the respondent, while making reference to the reply filed, submits that in fact, the fault was on the part of the applicant, as she had no inclination to accompany the respondent to Australia. On query by this court about the steps initiated at the instance of the respondent, to rehabilitate the applicant, the counsel was unable to state, whether any such steps have been taken or not. Only, he has stated that there was refusal on the part of the applicant.

Considering the rival submissions aforesaid, it is pertinent to mention that the Courts generally lean towards convenience of the wife, while considering the transfer application relating to the matrimonial



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dispute, more particularly, when the wife herself is not having any source of earning. In the case in hand, the husband of the applicant had returned back to Australia, after two months of marriage, which fact is not disputed by the counsel for the respondent. It was only after about three years of marriage, the petition under Section 9 of the Hindu Marriage Act was filed and that too through, father of the respondent. Even, the respondent had not joined the proceedings under the Protection of Women from Domestic Violence Act, in which his parents are already making appearance in the Courts at Ludhiana.

Considering the aforesaid circumstances, more particularly, considering the respondent, having not paid any maintenance, till date to the applicant and also having not joined the proceedings, which are already pending in the Courts at Ludhiana, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/156/2023, titled '*Jungsher Singh Kaler Vs. Balpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Batala, District Gurdaspur, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Batala, to the District and Sessions Judge, Ludhiana.

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

04.09.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No