



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

Sr. No.113

TA-849-2024

Date of Decision: 14.02.2025

GAGANDEEP KAUR

...Applicant

Versus

RAVINDERPAL SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Amit Thakur, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 07.02.2025.

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/1061/2024, titled '*Ravinderpal Singh Vs. Gagandeep Kaur*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Kharar, District SAS Nagar.

Perusal of the order dated 26.09.2024 reveals that despite service, the respondent did not make appearance on the said date. Even, on the subsequent dates i.e. 09.12.2024 and 07.02.2025, none had made appearance on behalf of the respondent. As such, the respondent was proceeded against *ex parte*.

Learned counsel for the applicant heard.



It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 22.10.2017. Two daughters born from the said wedlock, who are at present in the age-bracket of 2-6 years, are in the care and custody of the applicant. On account of the matrimonial discord, the applicant has filed the petition under the Protection of Women from Domestic Violence Act and the petition under Section 125 Cr.P.C., which are pending in the Courts at Kharar, at appearance stage. Besides the same, on the basis of the complaint bearing No.919/P/SSP, dated 19.03.2024, filed by the applicant before Women Cell, Phase-8, SAS Nagar, an FIR has been got registered. The applicant is not having any source of earning and is totally dependent upon her parental family. In the given circumstances, a prayer is made that it is difficult for the applicant, to commute a distance of about 250 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid submissions, considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, considering the fact about the respondent having not come forward to resist the transfer of the case and also considering the fact of the applicant taking care of two minor daughters, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1061/2024, titled '*Ravinderpal Singh Vs. Gagandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court Amritsar, to the Court of competent jurisdiction at Kharar, District SAS Nagar. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, SAS Nagar.

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

14.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No