



TA-991-2024 (O&amp;M)

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

Sr. No.112

TA-991-2024 (O&M)  
Date of Decision: 06.05.2025

KULWINDER KAUR

....Applicant

Versus

GURSHARAN SINGH

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Amandeep Singh, 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 13.01.2025, 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/164/2023, titled '*Gursharan Singh Vs. Kulwinder Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Mukerian, District Hoshiarpur and she seeks transfer of the same to the Court of



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competent jurisdiction at Ludhiana.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 30.10.2020. One son born from the said wedlock, who is about 4 years old, is in the care and custody of the applicant. The applicant had filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, before Family Court, Ludhiana, which was pending at the time of filing of the transfer application, but the same has since been decided and now, the execution qua the same, is pending in the Courts at Ludhiana. The applicant is not having any source of earning and is totally dependent upon her parental family. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 130 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid and considering the fact that generally the Courts lean towards 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 considering the fact about the applicant having no source of earning and taking care of the minor son, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/164/2023, titled '*Gursharan Singh Vs. Kulwinder Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Mukerian, District Hoshiarpur, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Mukerian, to the District and Sessions Judge, Ludhiana.



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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.

Pending civil miscellaneous application, also stands disposed of.

**06.05.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No