



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

Sr. No.203

**TA-1308-2024
Date of Decision: 14.05.2025**

MADHURI BAHADUR

...Applicant

Versus

MAHENDER SINGH

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vaibhav Sharma, Advocate for the applicant.

Mr. Arun Kumar Gupta, Advocate for the respondent.

ARCHANA PURI, J. (Oral)

CM-18527-CII-2024

Keeping in view the averments made in the application, same is allowed.

Main case

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13-A of the Hindu Marriage Act i.e. HMA/359/2024, titled "*Mahender Singh v/s Madhuri Bahadur*", filed by the respondent/husband, which is pending in the courts at Fatehabad and she seeks transfer of the same to the court of competent jurisdiction at Patiala.

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

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 17.02.2016, but no child was born



from the said wedlock. On account of matrimonial dispute, the parties are residing separate. The applicant has filed petition under Section 12(1), 17, 18, 19, 20, 22 & 23 of Protection of Women from Domestic Violence Act as well as petition under Section 144 of Bharatiya Nagarik Suraksha Sanhita, which are pending in the courts at Patiala and the respondent is making appearance in the same. It is also submitted that the applicant is not working and as such, is not having any source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 160 kms, to defend the petition under Section 13-A of Hindu Marriage Act.

On the other hand, counsel for the respondent submits that it shall be too harsh for the respondent also to pursue the said petition, in case the transfer application is accepted.

In view of the rival submissions aforesaid and taking into consideration the preference generally given by the courts to the convenience of wife, in case of transfer applications, relating to the matrimonial disputes; taking into consideration the fact that two other litigation arising from the matrimonial dispute, already pending in the courts at Patiala, which are being defended by the respondent as well as taking into consideration the fact of applicant not having any source of earning and the distance between the two places, the transfer application is hereby allowed and the petition under Section 13-A of the Hindu Marriage Act i.e. HMA/359/2024, titled "*Mahender Singh v/s Madhuri Bahadur*", filed by the respondent/husband, stands transferred from the Family Court, Fatehabad, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court, Fatehabad, 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.

Even, considering the prayer made by the counsel for the respondent, the respondent always has the option to file an application to make appearance through virtual mode, before the court concerned and in case of filing of such application, the court concerned shall pass an appropriate order on the same, in the fitness of the circumstances.

Also, a request is made to learned Trial Court, to make an endeavour to adjourn all the cases, pending between the parties, preferably on one and the same date.

14.05.2025
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No