



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

Sr. No.104

**TA-852-2023
Date of Decision: 27.03.2025**

SUNDERPAL KAUR

...Applicant

Versus

BASANT SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arshdeep Singh Sra, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the previous order dated 19.12.2024 reveals that, despite service, respondent No.1, who is the sole contesting respondent, did not make appearance on that date. Even today, none has made appearance on his behalf. As such, respondent No.1 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 13-A of the Hindu Marriage Act i.e. DMC/418/2023, titled '*Basant Singh Vs. Sunderpal Kaur and another*', filed by the respondent-husband, pending in the Family Court (Camp Court) Talwandi Sabo, District Bathinda and she seeks transfer of the same to the



Court of competent jurisdiction at Sirsa.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 15.10.2016. One son born from the said wedlock, who is about 6 years old, is in the care and custody of the applicant. Also, it is submitted that wrong allegations have been levelled by the respondent, in the petition under Section 13-A of the Hindu Marriage Act. Furthermore, it is submitted that the applicant is a homemaker and as such, she has no source of earning. As such, a prayer has been made for acceptance of the transfer application.

In view of the submissions aforesaid, it is pertinent to mention that even though, the Courts generally give preference to the convenience of the wife, in case of transfer applications relating to the matrimonial dispute, but however, it is not a thumb rule. Various circumstances spelt out from the material brought on record, also ought to be taken into consideration. In the case in hand, even though, the applicant is not having any source of earning and is taking care of 6 years old son, but however, she is living at her parental place.

On query by the Court, it is disclosed by the counsel for the applicant, that besides both the parents, the brother is also there in the parental family of the applicant. The child is 6 years old and can very well be taken care of by the parental family of the applicant, during her absence, in the eventuality of her presence required before the Court where the proceedings are pending. Otherwise also, it is pertinent to mention that on each and every date of hearing, the presence of the parties is not required, in the civil cases. Besides the same, even it is pertinent to mention that the distance between the two places is only 50 kilometres, which is not such a



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distance, which shall cause any inconvenience to the applicant. Always, the applicant has an option to move an application before the Court concerned, for seeking permission to make appearance through video conferencing, as and when required and may also seek litigation expenses, as and when she is required to make appearance in the Court.

In view of the aforesaid fact situation, the transfer application is hereby dismissed.

27.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No