



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

Sr. No.113

**TA-408-2024 (O&M)
Date of Decision: 23.07.2025**

RAJWINDER KAUR

....Applicant

Versus

NAVDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. I.S. Kooner, Advocate
for the applicant.

Mr. Karanjeet Singh, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

At this stage, the counsel for the respondent submits that he does not intend to file reply to the transfer application, though he contests the same.

The counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/50/2023, titled '*Navdeep Singh Vs. Rajwinder Kaur*', filed by the respondent-husband, through attorney-holder, pending in the Family Court (Camp Court) Phagwara, District Kapurthala and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 19.03.2017, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant is a resident of Italy. Further, it



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is submitted that initially, the divorce petition i.e. HMA/327/2021, copy whereof is Annexure A-1, was filed by the respondent at Hoshiarpur. The same was dismissed in default, vide order dated 07.07.2022, copy whereof is Annexure A-2. However, without disclosing about the fact of the earlier divorce petition having filed, the subsequent divorce petition has been filed by the respondent, through attorney-holder, at Phagwara. Also, it is submitted that the applicant is not having any source of earning. As such, it is difficult for her to commute a distance of about 50 kilometres, to defend the divorce petition at Phagwara.

On the other hand, the counsel for the respondent submits that both the parties are already making appearance in the pending divorce petition. Also, it is submitted that it shall be inconvenient for the respondent also, in case the divorce petition is transferred.

In view of the rival submissions aforesaid, it is pertinent to mention that the parties knocking the door of the Court, are expected and desired to disclose all the material facts, having bearing on the decision of the litigation. Perusal of Annexure A-1 reveals that initially, the respondent had filed the divorce petition, while stating himself to be a resident of Village Dhoot Kalan, District Hoshiarpur and also to be a resident of Italy. However, the said divorce petition was dismissed in default, vide order dated 07.07.2022, copy whereof is Annexure A-2. Subsequently, while showing the respondent to be a resident of Phagwara, the divorce petition has been filed in the Courts at Phagwara.

On query by the Court, the counsel for the respondent was unable to state about the respondent to be a resident of Phagwara or Dhoot Kalan, though he is residing abroad at present. It is evident from the



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memorandum of parties that Sukhwinder Kumar, is the attorney-holder of the respondent and he is a resident of Phagwara. Simply the fact about the attorney-holder living at Phagwara, does not give cause of action to file fresh petition at Phagwara.

Taking into consideration the aforesaid circumstances and also considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial dispute, more particularly, when the applicant is not having any source of earning, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/50/2023, titled '*Navdeep Singh Vs. Rajwinder Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Phagwara, District Kapurthala, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Phagwara, to the District and Sessions Judge, Hoshiarpur.

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

Pending civil miscellaneous application, also stands disposed of.

23.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No