



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

Sr. No.123

**TA-1343-2024
Date of Decision: 07.05.2025**

VEERPAL KAUR

....Applicant

Versus

GURPREET DASS

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rakesh Gupta, Advocate
for the applicant.

Mr. Daljeet Singh Randhawa, Advocate for
Mr. Amandeep Singh Manaise, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13(1)(ia) of the Hindu Marriage Act i.e. DMC/88/2024 titled "*Gurpreet Dass v/s Veerpal Kaur*", filed by the respondent/husband, which is pending in Family Court Fazilka, and she seeks transfer of the same to the court of competent jurisdiction at Bathinda.

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

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 10.12.2020 and one daughter born from the said wedlock, aged about two and half years, is in the care and custody of the applicant. The applicant is not having any source of earning and is totally dependant upon her parental



family. There is stated to be no other litigation pending between the parties to the lis. The distance between the two places is about 100 kms. As such, it is submitted that it is difficult for the applicant to commute such distance, to defend the petition pending at Fazilka.

On the other hand, counsel for the respondent while making reference to the reply submits that the mother of the respondent, namely, Sukhjinder Kaur, had filed one complaint under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the courts at Fazilka and the respondent therein, has since been proceeded against *ex parte*. Qua which, counsel for the applicant submits that the applicant is not having any knowledge, with regard to the filing of the said complaint. Also, it is submitted that the respondent has the duty to take care of his aged parents, and if so transferred, it shall be too harsh for him also, to pursue the divorce petition.

In view of the aforesaid submissions, it is pertinent to mention that generally the courts give preference to the convenience of wife, in case of transfer applications relating to the matrimonial disputes, more particularly, while taking into consideration the minor daughter to be in the care and custody of the applicant, who is not having any source of earning and is dependant upon her parental family as well as considering the distance between the two places to be about 100 kms. The transfer application, as such, is hereby allowed and the petition under Section 13(1) (ia) of the Hindu Marriage Act i.e. DMC/88/2024 titled “*Gurpreet Dass v/s Veerpal Kaur*”, filed by the respondent/husband, stands transferred from the Family Court, Fazilka, to the Court of competent jurisdiction at Bathinda. The requisite record of the aforesaid case be sent by the Family Court, Fazilka, to the District and Sessions Judge, Bathinda.



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

07.05.2025
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No