
(2025) 08 P&H CK 0892
In the Punjab And Haryana At Chandigarh
Case No : TA Of 1303 Of 2023

Onkar Singh

APPELLANT

Vs

Charanjit Kaur

RESPONDENT

Date of Decision : 13-08-2025

Acts Referred:

Protection of Women from Domestic Violence Act, 2005 — Section 12, 18, 19, 20, 21, 22, 23
Code of Criminal Procedure, 1973 — Section 125
Guardians and Wards Act, 1890 — Section 25
Hindu Marriage Act, 1955 — Section 13

Citation : (2025) 08 P&H CK 0892

Hon'ble Judges : Archana Puri, J

Bench : Single Bench

Advocate : Amit Arora

Final Decision : Allowed

Judgement

Archana Puri, J

As observed in the order dated 22.05.2025, despite service, the respondent did not make appearance on that date. Even today, she has not made appearance. As such, the respondent is proceeded against ex parte.

Counsel for the applicant heard.

The applicant-husband has filed the present application for seeking transfer of the petition under Sections 12 and 18 to 23 of the Protection of Women from Domestic Violence Act i.e. COMA/1080/2022, titled 'Charanjit Kaur Vs. Onkar Singh and others', filed by the respondent-wife, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Tarn Taran.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 05.10.2009. Two children born from the

said wedlock, who are in the age group of 12-15 years, are in the care and custody of the applicant/husband. On account of the matrimonial dispute, the parties are residing separate. The applicant has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/2/2022, as well as the petition under Section 25 of the Guardians and Wards Act, which are pending in the Courts at Tarn Taran. Also, it is submitted that the petition under Section 13 of the Hindu Marriage Act, filed by the applicant, is also pending in the Courts at Tarn Taran and the respondent is pursuing the same. In the given circumstances, when all other cases are pending in the Courts at Tarn Taran, a prayer has been made for transfer of the petition under the Protection of Women from Domestic Violence Act, to the Courts at Tarn Taran.

In view of the submissions aforesaid, it is pertinent to mention that though, the Courts generally lean towards the convenience of wife, in case of transfer application relating to the matrimonial dispute, but however, the same is not a thumb rule. Various other circumstances spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, two children born from the wedlock of the parties to the lis, are in the care and custody of the applicant/husband. Besides the same, two other cases filed at the instance of the respondent/wife, are already pending in the Courts at Tarn Taran, besides the other litigation, initiated by the applicant.

In view of the aforesaid fact situation and also considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed and the petition under Sections 12 and 18 to 23 of the Protection of Women from Domestic Violence Act i.e. COMA/1080/2022, titled 'Charanjit Kaur Vs. Onkar Singh and others', filed by the respondent-wife, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Tarn Taran. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Tarn Taran.

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