



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

Sr. No.111

**TA-296-2024 (O&M)
Date of Decision: 17.09.2024**

INDERPREET KAUR

....Applicant

Versus

PRABHDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Vandana and Ms. Himani Anand, Advocates
for the applicant.

Mr. Narender Pal Bhardwaj, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-4192-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 of the Hindu Marriage Act i.e.
HMA/823/2021, titled '*Prabhdeep Singh Vs. Inderpreet Kaur*', filed by the
respondent-husband, pending in Family Court Chandigarh and she seeks
transfer of the same to the Court of competent jurisdiction at Ambala.

In pursuance of the notice issued, respondent made appearance
through counsel and filed reply.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage

of the parties the lis, had taken place on 12.10.2008, but no child was born



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from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. In fact, it is submitted by the counsel for the applicant that on account of matrimonial dispute, the litigation was initiated by the parties. The applicant had filed petition under Section 9 of the Hindu Marriage Act, which is pending in the Courts at Ambala. Also, it is submitted that in the year 2021, the respondent had filed the divorce petition and the same is pending in the Courts at Chandigarh.

Furthermore, it is submitted that an application under Section 24 of the Hindu Marriage Act, for seeking maintenance, was filed in the petition under Section 9 of the Hindu Marriage Act and the same was dismissed by learned Family Court, relating to which also, the applicant had filed an application under Section 340 Cr.P.C., for initiation of complaint under Sections 191, 192, 193, 195, 199 and 209 of IPC, against the respondent, for making false statement and placing on record false documents. The said application is still pending adjudication. It is submitted that the applicant is residing in a rented accommodation in Sector 9, Ambala City.

Also, it is submitted by the counsel for the applicant that the applicant is working at a junior level in an IT company at IT Park, Chandigarh and therefore, on account of having odd working hours, due to her official exigencies, it is difficult for her to pursue the divorce petition, from a distance of about 60 kilometres. As such, a prayer has been made for transfer of the divorce petition from Chandigarh to Ambala.

On the contrary, the counsel for the respondent, while making reference to the reply filed, makes a submission that, even though, the petition under Section 12 of the Hindu Marriage Act, was filed by the



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applicant at Ambala, after the divorce petition was filed by the respondent at Chandigarh, but however, the applicant is commuting, to and fro, from Ambala everyday, to pursue her job at IT Park, Chandigarh. In the given circumstances, it is submitted by the counsel for the respondent that it is not difficult for the applicant, being a working lady, to defend the divorce petition, that too, in the city of her workplace. As such, a prayer has been made for dismissal of the application.

In view of the rival submissions made by the counsel for the parties, it is pertinent to mention that the litigation arising from this matrimonial dispute, is pending in Ambala, as well as Chandigarh. Furthermore, it should also be noted that the applicant is residing at Ambala, even though, she is pursuing her job in IT Park, Chandigarh. This fact also ought to be taken into consideration. If the applicant can commute a distance of about 120 kilometres, while going and coming to pursue her job, it should not be difficult for her to defend the divorce petition, already pending at Chandigarh. No doubt, it has been held by the Courts, time and again that in the transfer applications, relating to matrimonial disputes, weightage ought to be given to the convenience of the wife, but however, this is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration.

Precisely, on this account, considering the applicant to be following a corporate job at Chandigarh, though, she is residing at Ambala, it should not be difficult for her to defend the divorce petition, filed at the instance of the respondent, pending in the Courts at Chandigarh. Moreover, in the civil litigation, the applicant ought not to make appearance in the Court, on each and every date. As and when, her appearance is required, it



shall definitely be more convenient for her to make appearance in the Court, during the Court hours at Chandigarh. Considering the same, no case is made out for transfer of the divorce petition from Family Court Chandigarh, to the Courts at Ambala.

Hence, the application is dismissed.

Since the petition under Section 9 of the Hindu Marriage Act is pending in the Courts at Ambala, the applicant has the option to seek transfer of the same, if she deems fit.

17.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No