



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.102

TA-976-2023

Date of Decision: 09.09.2024

AMANDEEP KAUR

....Applicant

Versus

PRABHJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vishal Thakur, Advocate
for the applicant.

Mr. Vikas Kumar Gupta, 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 of the Hindu Marriage Act, titled '*Prabhjit Singh Vs. Amandeep Kaur*', filed by the respondent-husband, pending in Family Court (Camp Court) Phagwara, District Kapurthala and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

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

Learned counsel for the parties heard.

At the very outset, the counsel for the applicant has submitted that the marriage between the parties had taken place on 09.07.2019, at Gurdwara
Vibha Sahib, Hoshiarpur. No child was born from the said wedlock. However,



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on account of the matrimonial discord, the parties are residing separate. Also, it is submitted that prior to marriage, the applicant was residing in Australia. She came to India for solemnization of marriage. After marriage, both the applicant and respondent lived and cohabited together as husband-wife, at the house of the respondent. This was the second marriage of the applicant. However, the respondent has filed the petition under Section 13 of the Hindu Marriage Act, for seeking divorce from the applicant at Family Court (Camp Court) Phagwara, District Kapurthala.

Also, it is submitted that it is not easy for the applicant to attend the Court proceedings at Phagwara, District Kapurthala. The distance between Hoshiarpur and Phagwara is about 120 kilometres (both sides). As such, a prayer has been made to transfer the divorce petition from Phagwara to Hoshiarpur.

However, the counsel for the respondent, while making reference to the contents of the reply, has submitted that the distance between Hoshiarpur and Phagwara is about 55 kilometres on one side. The applicant is herself residing in Australia. The present application has been filed through her brother, Ravinder Singh Brainch, her attorney. Since, the applicant is residing at Australia and is not herself pursuing the divorce petition, as such, a prayer has been made for dismissal of the transfer application.

In view of the rival submissions made by the counsel for the parties, it is pertinent to mention that even though, the Courts have held, time and again, about weightage 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. It is not disputed that the applicant is herself, at present, residing at Australia and she has filed the



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application in hand through her special attorney holder i.e. Ravinder Singh Brainch, her brother. In fact, the divorce petition is also pursued by the brother of the applicant. Precisely, on this account, no such inconvenience, as alleged, is spelt out.

Considering the aforesaid fact situation, no case is made out for transfer of the divorce petition from Phagwara, District Kapurthala to Hoshiarpur.

Hence, the application is hereby dismissed.

09.09.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No