



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

Sr. No.209

TA-67-2025

Date of Decision: 16.07.2025

ANURADHA

....Applicant

Versus

PRADEEP KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. M.S. Rana, Advocate
for the applicant.

Mr. S.K. Choudhary, 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/675/2024, titled '*Anuradha Vs. Pardeep Kumar*', filed by the respondent-husband, pending in the Family Court, Gurdaspur and she seeks transfer of the same to the Court of competent jurisdiction at Mukerian, District Hoshiarpur.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 08.03.2018. One son born from the said wedlock, who is about 1 year old, is in the care and custody of the applicant. The applicant is not having any source of earning and as such,



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she along with the minor son, is dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 i.e. MNT-125/64/2024, which is already pending in the Courts at Mukerian, at appearance stage.

On the other hand, though the counsel for the respondent has not filed reply, but however, he submits that the distance between the two places is 31 kilometres only. On query by the Court about avocation followed by the respondent, it is submitted that the respondent is not doing any work.

Considering the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of wife, in case of transfer applications relating to matrimonial dispute. However, it is not a thumb rule. Various other circumstances coming forth, from the material brought on record, ought to be taken into consideration and then balancing of convenience/inconvenience of both the spouses ought to be done by the Court. In the case in hand, though the distance between the two places is only 31 kilometres, but however, the applicant, who is not having any source of earning, is taking care of minor son and is totally dependent upon her parents. Even, she has filed the maintenance petition, which is pending in the Courts at Mukerian. Weighing the same also, it is pertinent to mention that the counsel for the respondent has disclosed that the respondent is not doing any work.

In view of the aforesaid circumstances, it is all the more inconvenient for the wife to travel a distance of about 31 kilometres also, to defend the litigation, more particularly, when another case is already pending in the Courts at Mukerian. Hence, it is just and expedient to



transfer the divorce petition.

Keeping in view the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/675/2024, titled ‘*Anuradha Vs. Pardeep Kumar*’, filed by the respondent-husband, stands transferred from the Family Court, Gurdaspur, to the Court of competent jurisdiction at Mukerian, District Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Gurdaspur, to the District and Sessions Judge, Hoshiarpur.

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

16.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No