



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

TA-290-2024(O&M)
Date of Decision: March 24, 2025

Harman Preet Kaur

...Applicant

Versus

Sarabjit Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Indira, Mr.K.M.Garg and
Mr.Raj Karan Sandhu, Advocates
for the applicant.

Mr.Darshan S.Kahlon, Advocate for
Mr.Sherry K. Singla, Advocate
for the respondent.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.DMC-138-2024, titled 'Sarabjit Singh vs. Harmanpreet Kaur', which is pending in the Family Court (Camp Court), Phillaur, District Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

Learned counsel for the respondent submits that he does not intend to file reply, but however, he contests the petition.

Learned counsel for the parties heard.



It is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on 04.04.2021, but no child was born from the said wedlock. Also, it is submitted that applicant has no source of earning and as such, it is difficult for her to defend the divorce petition, pending before Family Court (Camp Court) Phillaur, District Jalandhar.

On the other hand, learned counsel for the respondent has assiduously submitted that there is no mitigating circumstances, in favour of the applicant. In fact, the applicant can always make appearance before the Court through Video Conferencing, as and when required.

In view of the submissions aforesaid, it is pertinent to mention that even though, the Courts, time and again, hold that convenience of the wife ought to be taken into consideration, but however, it 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, there is no child born from the wedlock. Apart from the distance, there is no other circumstance, coming forth. There is no other litigation pending between the parties to the lis. In the given circumstances, considering the fact of civil litigation being pending between the parties, there is no necessity to make appearance, on each and every date of hearing. On query by the Court, it is also disclosed by learned counsel for the applicant that the applicant is pursuing M.C.A., at present.

Considering the aforesaid circumstances, as such, no case is made out for allowing the transfer application and the same is hereby



dismissed.

However, the applicant-wife, if so desired, can make an application before the Court concerned to facilitate her appearance through Video Conferencing and if the physical presence is required, she can make a prayer for grant of litigation expenses.

In view of the aforesaid observations, the transfer application stands dismissed.

March 24, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No