



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

Sr. No.102

TA-301-2023

Date of Decision: 13.05.2025

RUPINDER KAUR

...Applicant

Versus

ACHHARJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rakesh Gupta, Advocate
for the applicant.

Mr. Rahul Sharma, 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 i.e. DMC/74/2022, titled '*Achharjit Singh Vs. Rupinder Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Amloh, District Fatehgarh Sahib and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

Upon notice issued, the respondent made appearance through counsel. However, today the counsel for the respondent has given a statement that he does not intend to file reply to the transfer application,



though he contests the same.

The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, was solemnized on 09.02.2019 and this was the second marriage of both the applicant, as well as the respondent. No child was born from the said wedlock. However, it is submitted that there is a girl child, aged about 11 years, born from first marriage of the applicant, who is in her care and custody. However, on account of the matrimonial dispute, the parties are residing separate. It is submitted that at the time of filing of the application, the applicant was residing at Village Inderpura, Nabha Road, Tehsil and District Patiala and during the pendency of the present application, she had started residing with her parental family at Village Allowal, Tehsil Nabha, District Patiala. The applicant is having no source of earning and in the given circumstances, it is submitted that it is difficult for her to commute a distance of about 45 kilometres, to defend the divorce petition, pending at Amloh.

On the other hand, the counsel for the respondent has pointed out that earlier, the applicant had never stated about herself to have started residing at Allowal, after filing of the application. It was only on account of the direction given by this Court, that an affidavit (Annexure P-2) was filed and therein, she had stated that she had shifted to village of her parental family. Also, it is submitted that the distance is not such, which calls for transfer of the divorce petition.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of wife in case of transfer applications relating to the matrimonial disputes. However,



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it is not a thumb rule. Various other circumstances spelt out from the material, also ought to be taken into consideration. In the case in hand, though the applicant is not having any source of earning, but the other circumstances, which gain weight, are the distance between the two places, as well as the number of children and the connectivity of transport between the two places. The child born from the first marriage of the applicant, is about 11 years old. She is not of such an age, which calls for personal attention of the applicant, all the time. Moreover, there is mother of the applicant to look after her, in case she has to proceed to Amloh, to defend the divorce petition. Otherwise also, the distance is not such, which makes out a good ground, to accept the transfer application, more particularly, when there is well-connected means of transportation between the two places.

Considering the aforesaid circumstances, no case is made out for allowing the transfer application. Hence, the same is hereby dismissed.

13.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No