



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

106

TA-347-2025 (O&M)

Date of Decision: December 01, 2025

Rupinderjit Kaur

...Applicant

Versus

Khushdil

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Arun Kumar Sharma, Advocate
for the applicant.

Mr.Naveen Batra, Advocate
for the respondent.

ARCHANA PURI, J.

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.HMA-12657-2024, titled 'Khushdil vs. Rupinderjit Kaur', pending in the Family Court, Ludhiana 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, it is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on

11.03.2020 and one male child was born on 27.10.2021, who is in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning and she has filed petition under Section 125 Cr.P.C., which is pending in the Courts at Hoshiarpur and the respondent is making appearance in the same.

Furthermore, it is also submitted by learned counsel for the applicant that applicant apprehends danger to her life, at the instance of the respondent and his family members. The distance between the two places is about 80 kms.

On the other hand, learned counsel for the respondent, while making reference to the reply submits that applicant has not come to the Court with clean hands. In fact, she has concealed the fact of herself having filed an application, copy whereof is Annexure R-1, to seek allotment of government police quarter at Ludhiana and also for handing over husband's service documents, for getting admission of her child at Police DAV School, Ludhiana. Once she has filed this application, it is contended by the counsel that the applicant, as such, has no threat, at the instance of the respondent or his family members.

Furthermore, it is submitted that respondent is working as Constable in police department and it shall be difficult for him to pursue the litigation, if so transferred to Hoshiarpur.

Keeping in view the submissions aforesaid, it is pertinent to mention that in view of the application Annexure R-1, earlier filed, counsel for the applicant submits that the said application was filed somewhere in

2022, but no action has been taken on the said application. Now, with the passage of time, on account of change of circumstances, as her child has started studying in a school at Hoshiarpur, the applicant is not interested in having government accommodation in Ludhiana.

In view of the application earlier filed and the child having started studying in school at Hoshiarpur, the aforesaid application, as such, is not pressed upon by the applicant.

In the given circumstances, also it is pertinent to mention that on account of matrimonial dispute, the applicant, who has no source of earning, has filed petition under Section 125 Cr.P.C., which is pending in the Courts at Hoshiarpur and the respondent is pursuing the same. Considering the same and more particularly, considering the minor child to be in the care and custody of the applicant, who is taking care of him, while herself having no source of earning, the transfer application, as such, is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-12657-2024, titled 'Khushdil vs. Rupinderjit Kaur', stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Hoshiarpur.

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

However, in view of the respondent working as Constable in

police department, he always has an option to file an application for making appearance through video conferencing, as and when, his presence is required and if any such application is filed before the Court concerned, the same shall be considered and appropriate order shall be passed by the Court, in the fitness of the circumstances.

December 01, 2025
Vgulati

Whether speaking/reasoned
Whether reportable

(ARCHANA PURI)
JUDGE

Yes
Yes/No