



TA-362-2025

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

Sr. No.226-1**TA-362-2025****Date of Decision: 13.08.2025****RITU SINGH****....Applicant****Versus****ROHIT SINGH LATHER****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Rahul Vats, Advocate
for the applicant.

Mr. Jaskaran Singh, 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. HMA/1228/2023, titled '*Rohit Singh Lather Vs. Ritu Singh*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.

Upon notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.



TA-362-2025

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 15.06.2020, but no child was born from the said wedlock. The applicant herself, is working as Assistant District Attorney, in the Anti-Corruption Bureau and is posted at Panchkula. On account of the matrimonial dispute, the parties are residing separate. Furthermore, it is submitted that though, the respondent is working as an 'Associate Professor' in North Cap University, Gurugram, but however, he has filed the divorce petition at Karnal. Two other cases arising from this matrimonial dispute, are already pending in the Courts at Panchkula; the respondent is facing trial, relating to FIR bearing No.10 dated 06.03.2024, under Sections 323, 354, 406, 420, 498-A and 506 IPC, got lodged by the applicant at Women Police Station, Sector 5, Panchkula and he is also making appearance in the petition under the Protection of Women from Domestic Violence Act i.e. COMA/214/2023, filed by the applicant.

In the given circumstances, it is submitted that on account of the exigencies of her job, it is difficult for the applicant, to commute a distance of about 130 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the distance between Karnal and Gurugram, is about 170 kilometres and it shall be too harsh for the respondent also, if the application is accepted. The counsel admitted about the respondent to be employed in Gurugram, though, he submits that he was earlier employed as 'Assistant Professor' in North Cap University, Gurugram, but, he has discontinued this job on account of constrained



TA-362-2025

circumstances, created by the applicant and he is now working as a teacher on contract basis, though based in Gurugram only.

Considering the aforesaid submissions, it is pertinent to mention that generally, the Courts give preference to the convenience of wife, while considering the transfer application relating to the matrimonial dispute. However, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, are also required to be taken into consideration and then, balancing of convenience/inconvenience of both the parties, is to be made by the Courts. In the case in hand, the applicant is a well-educated lady. She is working as an 'Assistant District Attorney' and is posted in Panchkula. However, this is one aspect, which has to be taken into consideration. Besides the same, it is also significant to point out that there are two other cases, arising from this matrimonial dispute, which are already pending in the Courts at Panchkula, out of which, one is criminal case, wherein the respondent, who is arrayed as an accused, is required to make appearance on each and every date of hearing. This is also the significant factor. Also, it has to be considered that at the time of filing of the divorce petition, the respondent was employed and based in Gurugram, but he had chosen to file the said petition, in the Courts at Karnal. Whatever may be the reason.

Anyhow, considering the fact of other cases, pending between the parties at Panchkula, more particularly, considering the fact of the respondent to be required to make appearance in the criminal case, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1228/2023, titled '*Rohit Singh Lather Vs.*



TA-362-2025

Ritu Singh', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Panchkula. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Panchkula.

Learned District and Sessions Judge, Panchkula, shall assign the said petition to Court, where the petition between the same parties, under the Protection of Women from Domestic Violence Act, is already pending. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

The Court concerned shall make an endeavour to adjourn the cases, preferably for one and the same date.

13.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No