

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

Sr. No.201

TA-529-2024

Date of Decision: 29.08.2025

SUKHVINDER SINGH

...Applicant

Versus**JATINDER KAUR AND ANOTHER**

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vaneet Thakur, Advocate
for the applicant.

Mr. M.S. Sachdev, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

In consonance with the observations made by this Court, in the order dated 02.07.2025, it has been brought to the notice of this Court that the applicant had filed an application before learned Family Court and *ex parte* proceedings were set aside. However, on account of non-payment of the cost imposed upon the applicant, his evidence has been struck off. This factual position, as such, is not disputed by the counsel for respondent No.1.

The applicant has filed the present application for seeking transfer of the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/684/2022, titled '*Jatinder Kaur Vs. Sukhvinder Singh and another*', filed by respondent No.1 (wife of the applicant), pending in the Courts at Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

In pursuance of notice issued, respondent No.1, who is the sole



contesting respondent, made appearance through counsel and filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage of the applicant was performed with respondent No.1 on 03.11.2019. It was the second marriage of both the applicant, as well as respondent No.1. From the earlier marriage, the applicant-husband, had two sons, who are still in his care and custody, whereas, respondent No.1 had one son from her previous marriage, who is in her care and custody. Further, it is submitted that on account of the respondent working as 'Line Operator' in a coal company, namely, NCL, in the State of Madhya Pradesh, he is residing at Madhya Pradesh. However, the matrimonial dispute of respondent No.1 arose with the applicant, as a result whereof, she had got lodged an FIR bearing No.140 dated 31.08.2022, under Sections 323, 498-A, 506 and 34 IPC, at Police Station Bullowal, District Hoshiarpur. Challan has been presented in the said case and applicant is facing trial in the Courts at Hoshiarpur.

Also, it is submitted by the counsel that though, respondent No.1, is residing in village Fatehpur, District Hoshiarpur i.e. her matrimonial house, but however, with a malafide intention, she had filed the petition under the Protection of Women from Domestic Violence Act, which is sought to be transferred, at her parental place i.e. Jalandhar. The purpose of filing the said petition, is only to cause harassment to the applicant, though respondent No.1 herself, is residing at Hoshiarpur in the matrimonial house. In this regard, counsel has drawn the attention of this Court to address of respondent No.1-wife, as mentioned in the FIR, which was got registered at her instance on 31.08.2022. Furthermore, it is also pointed out that the

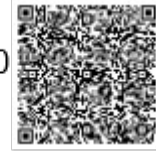


TA-529-2024

petition under Section 12 of the Protection of Women from Domestic Violence Act, has been filed subsequently on 08.09.2022. As such, a prayer has been made for acceptance of the transfer application.

On the other hand, counsel for the contesting respondent, while making reference to the reply, submits that he does not dispute about the residence of respondent No.1, in the matrimonial house, which is situated in village Fatehpur, District Hoshiarpur. However, counsel submits that it was on account of apprehension of threat to her life, that respondent No.1 had filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, at Jalandhar, where her parental family is living. Also, counsel submits that the FIR, Annexure P-1, was got lodged, wherein there are assertions with regard to ruckus committed at the instance of the applicant, whereupon the said FIR was got registered.

In view of the rival submissions aforesaid, it is pertinent to mention that though, generally the Courts take into consideration the convenience of the wife, while considering the transfer application relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances, coming forth from the material brought on record, also ought to be taken into consideration and then some balancing of the convenience/inconvenience of the parties concerned, has to be made. In the case in hand, respondent No.1 admittedly is residing in the matrimonial house at Hoshiarpur. The applicant is facing trial in the criminal case, registered at the instance of respondent No.1, in the Courts at Hoshiarpur. Considering these circumstances, it is just and expedient to transfer the petition under Section 12 of the Protection of Women from Domestic Violence Act.



In view of the aforesaid fact situation and more particularly, taking into consideration the convenience/inconvenience of both the sides, the transfer application is allowed and the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/684/2022, titled '*Jatinder Kaur Vs. Sukhvinder Singh and another*', filed by respondent No.1 (wife of the applicant), stands transferred from the Courts at Jalandhar, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Hoshiarpur.

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

29.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No