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2025:PHHC:112877



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

Sr. No.110

TA-518-2024

Date of Decision: 26.08.2025

INDU BALA

....Applicant

Versus

KUNAL KHANNA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sachin Ohri, Advocate
for the applicant.

Mr. Arshit Goel and Mr. Harmeet Singh, Advocates
for the respondent.

ARCHANA PURI, J. (Oral)

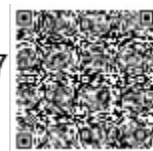
Reply has been filed at the behest of the respondent and the same is taken on record.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 11 of the Hindu Marriage Act i.e. DMC/2240/2023, titled '*Kunal Khanna Vs. Indu Bala*', filed by the respondent-husband, pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Gurdaspur.

In pursuance of notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 26.06.2023, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is unemployed and



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as such, has no source of earning. Her father has already died and as such, she is completely dependent upon her old widow mother. Even, she has filed the petition under the Protection of Women from Domestic Violence Act i.e. COMA/21/2024, which is pending in the Courts at Gurdaspur, at appearance stage. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 100 kilometres, to defend the petition under Section 11 of the Hindu Marriage Act.

On the other hand, counsel for the respondent submits that the applicant is a well-educated lady and she can very well defend the litigation of her own. Moreover, her presence is not required on each and every date of hearing.

On query by this Court, it is submitted by the counsel for the respondent that the respondent is indulging in business of PVC work, in the construction line.

In view of the submissions aforesaid, it is pertinent to mention that while considering the transfer application relating to the matrimonial dispute, various factors have to be taken into consideration, such like, financial affluence of the parties concerned, if there is child, which parent is taking care of the child, the distance between the places, as well as convenience, keeping in view other pending litigation between the parties etc. However, there is no cast iron formula, for deciding the transfer applications. Each case has to be decided in the backdrop of its own facts and circumstances. One distinctive difference can lead to different decision in the transfer application. In the case in hand, though, there is no child born from the wedlock of the parties, but however, the applicant is not having any source of earning, whereas the respondent himself is a businessman and



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indulging in PVC work in the construction line. Also, there is one case arising from this matrimonial dispute, which is already pending in the Courts at Gurdaspur. The distance between the two places is about 100 kilometres.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 11 of the Hindu Marriage Act i.e. DMC/2240/2023, titled '*Kunal Khanna Vs. Indu Bala*', filed by the respondent-husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Gurdaspur. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, Gurdaspur.

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

26.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No