



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

Sr. No.122**TA-823-2024****Date of Decision: 29.04.2025****KOMAL SHARMA****....Applicant****Versus****AJAY KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Naresh Chander, Advocate
for the applicant.

Mr. Gursharan 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/690/2023, titled '*Ajay Kumar Vs. Komal Sharma*', filed by the respondent-husband, pending in the Family Court, Gurdaspur and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

Upon notice, the respondent made appearance through counsel. At this stage, the counsel for the respondent submits 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, had taken place on 27.04.2016. One daughter born from the said wedlock, is presently in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not working and is



dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. and the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Ludhiana and the respondent is pursuing both the said petitions. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 155 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent, though, has not filed reply, but he submits that if the transfer application is allowed, it shall be too harsh for the respondent also, to pursue to the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of the wife, in case of transfer applications relating to the matrimonial disputes. However, though, it is not a thumb rule, but various other circumstances spelt out, also ought to be taken into consideration. In the case in hand, there is one minor daughter born from the wedlock, who is in the care and custody of the applicant. On query by the Court, it is submitted by the counsel for the applicant that the child is studying in the school at Ludhiana. Besides the same, two other cases arising from the matrimonial dispute, are also pending in the Courts at Ludhiana, which are being pursued by the respondent. The distance between the two places is about 155 kilometres.

Considering the aforesaid fact situation, it shall be just and expedient to accept the transfer application. As such, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/690/2023, titled '*Ajay Kumar Vs. Komal Sharma*', filed by the respondent-husband, stands transferred from the Family Court, Gurdaspur, to the Court of competent jurisdiction at Ludhiana. The requisite record of



the aforesaid case be sent by the Family Court, Gurdaspur, to the District and Sessions Judge, Ludhiana.

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

29.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No