

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.112

TA-829-2024

Date of Decision: 21.01.2025

KARISHMA KAPOOR

....Applicant

Versus

VIVEK KAPOOR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Rakhi Sharma, Advocate
for the applicant.

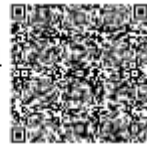
Mr. Prabhjot Singh Bedi, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-Karishma Kapoor has filed the present application for seeking transfer of the petition under Section 25 of the Guardians and Wards Act, 1890, i.e. GW/103/2024, titled '*Vivek Kapoor Vs. Karishma Kapoor*', filed by the respondent (husband of the applicant), pending in the Family Court Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

In pursuance of the notice issued, respondent made appearance through counsel. However, reply is not intended to be filed, though the counsel submits that he contests the transfer application.

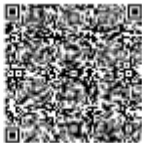
Learned counsel for the parties heard.



At the very outset, the counsel for the applicant submits that the marriage between the parties to the lis, had taken place on 19.10.2013. Two daughters born from the said wedlock, are in the care and custody of the applicant, who is residing with her parental family at Amritsar. Also, it is submitted that the divorce petition had been filed by the respondent, which was initially filed at Ludhiana. However, in pursuance of the transfer application, the said divorce petition was transferred to Amritsar. Copy of the transfer order is Annexure P-1. Also, an Fir bearing No.34 dated 01.06.2023, under Section 498-A IPC, was got lodged by the applicant at Women Police Station, District Amritsar, which is pending investigation. In these circumstances, it is submitted that it is difficult for the applicant to defend the guardianship petition, while commuting a distance of about 140 kilometres.

On the other hand, the counsel for the respondent has though, not filed the reply, but he submits that if the case is so transferred, it shall also be difficult for the respondent to pursue the guardianship petition, as his business shall be affected, on this account.

In view of the aforesaid fact situation, considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly while the applicant is taking care of two daughters and also the fact that the divorce petition already stands transferred to the Amritsar Courts, the transfer application is allowed and the petition under Section 25 of the Guardians and Wards Act, 1890, i.e. GW/103/2024, titled '*Vivek Kapoor Vs. Karishma Kapoor*', filed by the respondent, stands transferred from the Family Court Ludhiana, to the Court of competent jurisdiction at Amritsar. The requisite



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

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

21.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No