



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

Sr. No.121

TA-804-2025

Date of Decision: 20.11.2025

RAMANDEEP KAUR

....Applicant

Versus

DHAMANPREET SHARMA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Eashan Bhardwaj, Advocate
for the applicant.

Mr. Mikhail Kaid, Advocate
for the respondent.

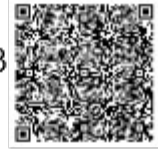
ARCHANA PURI, J. (Oral)

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/163/2025, titled '*Dhamanpreet Sharma Vs. Ramandeep Kaur*', filed by the respondent-husband, pending in the Family Court, Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Batala, District Gurdaspur.

In pursuance of notice issued, the 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 between the parties to the lis, had taken place on 09.05.2014, but no child was born from the said wedlock. On account of the



matrimonial dispute, the parties are residing separate. The respondent faced trial in the the Courts at Sangrur, relating to criminal case bearing FIR No.83 dated 09.05.2018, under Sections 406 and 498 IPC, got lodged by the applicant at Police Station Bhawanigarh, District Sangrur. In the said trial, the respondent was acquitted and the appeal filed against the judgment passed by learned trial Court, is pending in the Court of Additional District and Sessions Judge, Sangrur. The respondent is making appearance in the said appeal. Further, it is submitted that the petition under the Protection of Women from Domestic Violence Act, was filed by the applicant and the same was finally disposed of on 05.07.2018. The respondent was directed to pay a sum of Rs.3,000/- per month, as maintenance and Rs.2,000/- per month, as house rent. However, it is submitted that the aforesaid order is not being complied with.

On query by this Court, it is submitted by the counsel for the applicant that no execution has been filed by the applicant. Also, it is submitted that the applicant is now working as a ‘teacher’ in Government Senior Secondary School, Sekhwan and she joined the said job on 17.07.2023. The distance between the two places is about 228 kms. In the given circumstances, it is submitted that it is difficult for the applicant, to defend the divorce petition, as she is unable to bear the litigation expenses and also, on account of the distance.

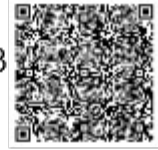
On the other hand, counsel for the respondent has refuted the claim of the applicant. In fact, it is submitted that the respondent is working as a ‘Labourer’, though, he has a small chunk of land, to the extent of 1 ½



acres. It is also submitted that the respondent has the responsibility to take care of his aged mother and grandmother, as his father has already expired.

Also, counsel for the respondent has submitted that the parental place of the applicant is at Patran, District Patiala and therefore, he has no objection if the divorce petition is transferred to Samana, sub-division of Patiala district.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while adjudicating on 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, ought to be taken into consideration and then some balancing of the convenience/inconvenience of both the parties has to be made. Each case has to be decided in its own factual background. One distinctive circumstance may change the decision of the transfer application. There are various factors, which are to be looked into, such like, the economic condition of the spouses; if children are there, which parent is having their custody and the distance between the two places, so on and so forth. In the case in hand, the applicant herself is a government teacher and she is posted in Government Senior Secondary School, Sekhwan. She has joined the said job on 17.07.2023. Very true, as evident from the contents of the application that petition under the Protection of Women from Domestic Violence Act, was filed, at first instance and the respondent was directed to make payment of Rs.3,000/- per month, as maintenance and Rs.2,000/-, as house rent. Though, it is alleged that the said payment is not being made by the respondent, but till date, execution



has not been filed by the applicant, to seek recovery of the arrears, if any. Anyways, now there is change of circumstance, as the applicant is now employed as a 'teacher' in a government school. As such, she is well educated and financially independent woman. This fact is also very relevant, more specifically, when there is no child born from the wedlock of the parties. Besides the same, another fact which is to be taken into consideration, is about the criminal case having decided by learned trial Court, Sangrur, in favour of the respondent, who has since been acquitted. Even, the appeal filed at the instance of the applicant, to assail the judgment of acquittal, is pending in the Courts at Sangrur and she has not sought the transfer of the said appeal.

Taking into consideration the aforesaid circumstances, it is only the distance between the two places, which needs to be taken care of, more particularly, considering the fact about the litigant to be not required to make appearance in civil proceedings, on each and every date of hearing.

Considering the aforesaid observations made by the Court, counsel for the applicant accepts the offer made by the counsel for the respondent, about the transfer of the divorce petition to the Courts at Samana, District Patiala, as the parental place of the applicant is at Patran, which falls within the sub-division of Samana and at the most, it shall be convenient for her to make appearance, if the case is not transferred to Batala. However, counsel for the applicant makes a prayer that considering the job exigency of the applicant, an option be given to her to make appearance through virtual mode.



In any case, considering the secured job of the applicant, this Court is not inclined as such, to transfer the divorce petition to the Courts at Batala, but anyhow, considering the offer made by the counsel for the respondent, which is acceptable to the counsel for the applicant, the transfer application is partly allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/163/2025, titled ‘*Dhamanpreet Sharma Vs. Ramandeep Kaur*’, filed by the respondent-husband, stands transferred from the Family Court, Sangrur, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court, Sangrur, to the District and Sessions Judge, Patiala.

Learned District and Sessions Judge, Patiala, shall preferably allocate the divorce petition to the Court of competent jurisdiction at Samana, if Family Camp Court exists there. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

Considering the prayer made by the counsel for the applicant, the applicant always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall pass an appropriate order, in the fitness of circumstances.

20.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No