



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

Sr. No.101-1

TA-916-2023

Date of Decision: 24.01.2025

MAMTA JAIN @ MAMTA JINDAL

....Applicant

Versus

PRINCE GUPTA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. J.S. Bhinder, Advocate for
Mr. Amit Jain, Advocate
for the applicant.

Mr. Tanvir S. Attariwala, Advocate
for the respondent
(through video conference).

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 12(i) of the Hindu Marriage Act, titled '*Prince Gupta Vs. Mamta Jain @ Mamta Jindal*' (Annexure P-1), filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Sunam, District Sangrur.

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

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that on account



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of the matrimonial discord, the parties are residing separate. There is no child born from the wedlock of the parties to the lis. The applicant is living at Sunam, which is at a distance of about 70 kilometres, from Patiala. The applicant is not working and as such, has no independent source of earning. In the given circumstances, it is submitted that it is difficult for her to commute a distance of about 70 kilometres, to defend the petition at Patiala. Also further, it is submitted that after filing of the transfer application, the applicant has also filed the petition under Section 125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Sunam. The said cases are still at the appearance stage.

On the contrary, the counsel for the respondent refuted the claim of the applicant. He submits that the applicant is suffering from mental disorder, on account of which the petition under Section 12 of the Hindu Marriage Act has been filed. Furthermore, it is submitted that the family of the applicant is extremely influential in the area of Sunam and also having political connections. Also, it is submitted that Cabinet Minister of Punjab, is the neighbour of the applicant, who is bound to exercise his political influence.

In view of the aforesaid submissions, at the very outset, it is pertinent to mention that sweeping assertions have been made by the counsel for the respondent, with regard to the applicant being influential in the area of Sunam and also about having political connections. Even if, it is so, it has nothing to do with the exercise of judicial functions by the Courts concerned. Moreover, it is also pertinent to mention that the applicant is not having any source of earning.



In view of the aforesaid fact situation and also 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, the transfer application is allowed and the petition under Section 12(i) of the Hindu Marriage Act, titled '*Prince Gupta Vs. Mamta Jain @ Mamta Jindal*' (Annexure P-1), filed by the respondent-husband, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Sunam, District Sangrur. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Sangrur.

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

24.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No