



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

Sr. No.222

TA-980-2023

Date of Decision: 08.07.2025

ROSHNI GUPTA ALIAS KOMAL**....Applicant****Versus****PAWAN KUMAR BANSAL****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. G.S. Gill, Advocate
for the applicant.

Ms. Poonam Verma, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The counsel for the respondent submits that she does not intend to file reply to the transfer application, though she contests the same.

The counsel for the parties heard.

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/99/2022, titled '*Pawan Kumar Bansal Vs. Roshni @ Komal*', filed by the respondent-husband, pending in the Family Court (Camp Court) Dhuri, District Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 13.04.2021, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant has got lodged an FIR bearing No.18 dated 14.03.2023, under Sections 406 and 498-A IPC, at



TA-980-2023

Women Police Station, District Patiala and the same is pending investigation. Besides the same, she has also filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Patiala and the respondent has already made appearance in the same.

Moreover, it is submitted that the applicant is unemployed and has no source of earning. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 63 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent submits that since there is no mitigating circumstance in favour of the applicant. Even, there is no child born from the wedlock of the parties to the lis.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts give preference to the convenience of the wife, while considering the transfer applications, relating to the matrimonial disputes. Though, it may not be a thumb rule, but however, various other circumstances coming forth, also ought to be taken into consideration and some balancing of the convenience/inconvenience of the parties concerned, has to be done. In the case in hand, the applicant is not having any source of earning and even the petition under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant, is pending in the Courts at Patiala and the respondent is pursuing the said litigation. Also, the FIR got lodged by the applicant is pending investigation.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/99/2022, titled '*Pawan Kumar Bansal Vs. Roshni @ Komal*', filed by



TA-980-2023

the respondent-husband, stands transferred from the Family Court (Camp Court) Dhuri, District Sangrur, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Dhuri, to the District and Sessions Judge, Patiala.

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

08.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No