

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

Sr. No.216

TA-920-2024

Date of Decision: 01.08.2025

ASHA RANI

....Applicant

Versus

RANJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pushp Jain, Advocate
for the applicant.

Ms. Himani Kapila, Advocate
for the respondent.

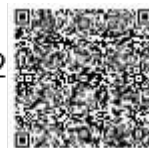
ARCHANA PURI, J. (Oral)

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/228/2024, titled '*Ranjit Singh Vs. Asha Rani*', filed by the respondent-husband, pending in the Family Court, Tarn Taran and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

Upon 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 10.03.2019, but no child was born from the said wedlock. Unfortunately, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/347/2020, which is



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pending in the Courts at Jalandhar and the respondent has been proceeded against *ex parte*, in the said petition. Further, it is submitted that the respondent has not paid any maintenance to the applicant, till date. Also, it is submitted that the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/323/2020, filed by the applicant, is also pending in the Courts at Jalandhar and the respondent has been proceeded against *ex parte*, in the said petition as well. Furthermore, the respondent is facing trial in the Courts at Jalandhar, relating to FIR bearing No.13 dated 01.02.2021, under Sections 406 and 498-A IPC, got lodged by the applicant. The distance between the two places is stated to be about 130 kilometres. In the given circumstances, it is submitted that it is difficult for the applicant, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply by way of affidavit of the respondent, submits that the distance between the two places is only 84 kilometres and not 130 kilometres. As such, it is submitted that it shall be too harsh for the respondent also, to pursue the divorce petition, in case the transfer application is accepted.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts give weightage to the convenience of wife, while considering the transfer applications relating to the matrimonial dispute. Though, it may not be a thumb rule, but however, various other circumstances, spelt out from the material brought on record, ought to be taken into consideration and thereupon, some balancing of convenience/inconvenience of both the parties, is required to be made by the Court. In the case in hand, though there is no child born from the wedlock



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of the parties, but however, the applicant is not having any source of earning and is dependent upon her parental family. Even, she has filed two cases i.e. 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 Jalandhar and respondent has been proceeded against *ex parte*, in both the said cases. Even, the respondent is facing trial in the Courts at Jalandhar, relating to the criminal case, got lodged at the instance of the applicant. Considering the same, the statement made with regard to the distance being less than 130 kilometres, as projected, matters not much, as the other factors are weighing in favour of the applicant.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/228/2024, titled '*Ranjit Singh Vs. Asha Rani*', filed by the respondent-husband, stands transferred from the Family Court, Tarn Taran, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court, Tarn Taran, to the District and Sessions Judge, Jalandhar.

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

(ARCHANA PURI)
JUDGE

01.08.2025
Himanshu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No