



TA-1060-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.110

TA-1060-2024
Date of Decision: 05.08.2025

PARVEEN KUMAR AND OTHERS

....Applicants

Versus

PREETI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rajat Sheokhand, Advocate
for the applicants.

Mr. Sandeep Lather, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicants-Parveen Kumar and others, have filed the present application for seeking transfer of the petition under the Protection of Women from Domestic Violence Act i.e. COMA/37/2023, titled '*Preeti Vs. Parveen Kumar and others*', filed by the respondent (wife of applicant No.1), pending in the Family Court, Panchkula and she seeks transfer of the same to any Court of competent jurisdiction at Sonapat or Panipat.

Upon notice issued, the respondent made appearance through counsel and filed reply.



TA-1060-2024

The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicants that the marriage of applicant No.1-Parveen Kumar, had taken place with the respondent-Preeti, on 02.12.2018. However, on account of the matrimonial dispute, they are residing separate. The respondent is though a resident of village Baandh, Tehsil Israna, District Panipat, but however, she had initiated the entire litigation, relating to this matrimonial dispute, in Panchkula, which has no cause of action. In fact, it is submitted that the applicants, besides the husband, are parents-in-law and one married sister-in-law, who is residing in Panipat. Also, it is submitted that it is only to cause harassment to the applicants, that the petition under the Protection of Women from Domestic Violence Act, has been filed at Panchkula. The distance between the two places is approximately 250 kilometres, on one side.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the respondent is residing at Panchkula. Though, her parents are resident of Village Baandh, Tehsil Israna, District Panipat, but however, she is residing with her cousin in Panchkula. Also, it is submitted that in the maintenance petition, as well as in the criminal case, which are pending in the Courts at Panchkula, the applicants are making appearance. Also, it is submitted that challan has already been presented in the criminal case. Furthermore, it is submitted that the applicant was earlier doing stitching diploma in Panchkula and in



TA-1060-2024

this regard, the counsel has made reference to the certificate, issued under the signatures of Principal, Govt. Industrial Training Institute, Panchkula.

On query by this Court, it is submitted by the counsel for the respondent that this course was for a period of three years and thereafter, she continues to live at Panchkula and is attending online classes of designing.

On further query by this Court, with regard to the status of the criminal case, it is submitted by the counsel for the applicants that applicants No.2 to 4 are arrayed as accused in the said FIR. Even, quashing petition had been filed by the applicants, after filing of the transfer application and the same is still pending before this Court.

In view of the submissions aforesaid, it is pertinent to mention that even though, generally the Courts give weightage to the convenience of wife, while considering the transfer application relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, the respondent is a resident of village Baandh, Tehsil Israna, District Panipat. She is not living at her parental house. In fact, she is allegedly residing at Panchkula, with her cousin. In view of this assertion, it is also pertinent to mention that reference has been made to the certificate, copy whereof is Annexure R-6. However, there is no date mentioned in the said certificate and it is difficult to ascertain from the certificate, for which period, the same has been issued. The counsel for the respondent has stated about the aforesaid course (if any) pursued by



TA-1060-2024

the respondent, to be of three years' duration and she had joined the said course, in the year 2021. That being so also, the course is already complete. Further, it has been asserted about the respondent to be taking online classes in designing. If it is so, then what is the reason for residing further at Panchkula, the same has not come forth.

No doubt, each case has to be decided, in the backdrop of its own facts and circumstances, but however, one distinctive detail, in any case, can alter the decision of the transfer application. In the case in hand, there is no satisfactory reason coming forth, for stay of the respondent in Panchkula, at her cousin's place, after the completion of the course, if any pursued by her, at earlier occasion.

Considering the aforesaid circumstances, the probability cannot be ruled out about the respondent, having initiated the litigation at Panchkula, only with the sole purpose to cause harassment to the applicants. Simultaneously, also it has to be taken into consideration that applicants No.2 and 3 are the parents-in-law of the respondent and applicant No.5 is her married sister-in-law, who is residing at Panipat. Also, it has to be considered that it shall be difficult for applicant No.1, who is a police official posted at New Delhi, to make appearance, on each and every date of hearing.

Considering all the aforesaid circumstances, the present transfer application is allowed and the petition under the Protection of Women from Domestic Violence Act i.e. COMA/37/2023, titled '*Preeti Vs. Parveen*



TA-1060-2024

Kumar and others’, filed by the respondent (wife of applicant No.1), stands transferred from the Family Court, Panchkula, to the Court of competent jurisdiction at Sonapat. The requisite record of the aforesaid case be sent by the Family Court, Panchkula, to the District and Sessions Judge, Sonapat.

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

05.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No