



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-1090-2024(O&M)
Date of Decision: February 21, 2025

Santosh Kumari
...Applicant

Versus

Parveen Kumar
...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Rimple Saini, Advocate
for the applicant.

Respondent proceeded against ex-parte

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of petition i.e. HMA-379-2024, titled as ‘Parveen Kumar vs. Santosh Kumari’, under Section 9 of the Hindu Marriage Act, filed by the respondent-husband, pending in Family Court Pathankot and she seeks transfer of the same to the Court of competent jurisdiction at Gurdaspur.

In pursuance of the notice issued, respondent did not make appearance. As such, he was proceeded against ex-parte.

Learned counsel for the applicant heard.

At the very outset, it is submitted by learned counsel for the applicant that the marriage between the parties to the lis, had taken place on

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15.06.2023, but no child was born from the said wedlock. However, due to matrimonial discord, the parties are residing separate. The applicant has filed a petition under Section 144 BNSS (under Section 125 Cr.P.C.), which is pending in the Courts at Gurdaspur and the respondent is making appearance in the same. Also, it is submitted that distance between Gurdaspur and Pathankot, is 45 kms. As such, a prayer has been made for acceptance of the transfer application.

Even though, time and again, it is held by the Courts about the convenience of the wife is to be taken into consideration, but however, to adjudicate on the question of convenience of the wife, various circumstances, ought to be taken into consideration. It is not solely the distance between the place, where the litigation is pending and place where it is sought to be transferred, is to be taken into consideration. Here in this case, distance is only 45 kms. There is no other mitigating circumstances, which impels this Court to transfer the petition, besides distance of 45 kms.

However, there is good mode of transportation, existing in that part of area and therefore, the distance, as such, is not the sole consideration to transfer the petition under Section 9 of the Hindu Marriage Act.

Hence, the present transfer application is hereby dismissed.

February 21, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No