



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

107

TA-1296-2024(O&M)

Date of Decision: May 23, 2025

Rajwinder Kaur

...Applicant

Versus

Mandeep Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.A.S.Sidhu, Advocate
for the applicant.

Mr.Rajesh Nain Kad, Advocate
for the respondent.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.DMC-662-2024, titled 'Mandeep Singh vs. Rajwinder Kaur', pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Family Court (Camp Court) Moonak, District Sangrur.

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

Learned counsel for the parties heard.

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

**TA-1296-2024****-2-**

09.12.2021, but no child was born from the said wedlock. However, on account of matrimonial dispute, the parties are residing separate.

After the dispute arose, the applicant started residing in 'live-in relationship' with one Karamjeet Bharti s/o Ram Bharti. The applicant was also threatened by the respondent and his family members, as a result whereof, she had filed CRWP-5865-2024, wherein, protection was granted to her vide order dated 24.06.2024, copy of the order is Annexure P-1.

On query, it is disclosed by learned counsel for the applicant that the applicant is not having any source of earning. In the given circumstances, it is submitted that when the applicant apprehends threat, at the behest of the respondent, it is difficult for her to commute a distance of about 150 kms. to defend the divorce petition.

On the other hand, learned counsel for the respondent, while making reference to the reply, has submitted that the applicant, without seeking dissolution of her marriage, is living in 'live-in relationship' with Karamjeet Bharti and this conduct itself is sufficient to deny relief of transfer of the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that the Courts, generally give preference to the convenience of the wife, in the transfer applications, relating to the matrimonial disputes, but however, it may not be a thumb rule. Each case is to be adjudicated, in its own factual backdrop. One differential circumstance, may lead to a different decision of the transfer application.

In the given case, it goes without saying that the applicant is in



TA-1296-2024

-3-

‘live-in relationship’ with one Karamjeet Bharti, but however, considering this aspect also, it is pertinent to mention that there was apprehension of threat, at the behest of the applicant and her ‘live-in’ partner, as a result whereof, they had filed CRWP-5865-2024 and therein, even this Court had given protection and gave directions to the police authorities to consider her representation and assess the threat perception to the applicant and her partner.

Considering the same, at this stage, the apprehension of the applicant, is seemingly genuine. Precisely, on this account, considering the distance between the two places, it is just and expedient to allow the transfer application. Thus, the transfer application, as such, is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.DMC-662-2024, titled ‘Mandeep Singh vs. Rajwinder Kaur’, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Family Court (Camp Court) Moonak, District Sangrur. The requisite record of the aforesaid case be sent by the Family Court, Hisar to the District and Sessions Judge, Sangrur.

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

May 23, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No