



TA-1391-2024 & TA-363-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.205

Date of Decision: 28.07.2025

1. TA-1391-2024

SHAM LAL

....Applicant

Versus

FREENA RANI AND OTHERS

.....Respondents

2. TA-363-2025

FREENA RANI

....Applicant

Versus

SHAM LAL

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Harleen Kaur, Legal Aid Counsel
for the applicant (in TA-1391-2024) and
for the respondent (in TA-363-2025).

Ms. Jyotika Behl, Advocate for
Mr. Satbir Rathore, Advocate
for respondent No.1 (sole contesting respondent)
(in TA-1391-2024) and
for the applicant (in TA-363-2025).



TA-1391-2024 & TA-363-2025

ARCHANA PURI, J. (Oral)

These are two rival applications filed by the husband and wife, for seeking transfer of the petitions arising from the matrimonial dispute between them.

At this stage, legal aid counsel, representing the respondent-husband, in TA-363-2025, submits that she does not intend to file reply to the said transfer application and the contents of the connected TA-1391-2024, filed at the behest of the husband, be considered as her reply.

However, reply to the transfer application i.e. TA-1391-2024, has already been filed by the counsel for the wife.

Counsel for the parties heard.

TA-1391-2024 has been filed by the applicant-husband, for seeking transfer of the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, i.e. COMA/13/2021, titled '*Freena Rani Vs. Sham Lal and others*', filed at the instance of respondent No.1-wife, pending in the Courts at Dasuya, District Hoshiarpur and he seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

TA-363-2025 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, 1955, i.e. DMC/681/2024, titled '*Sham Lal Vs. Freena Rani*', filed at the instance of respondent-husband, pending in the Courts at Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Dasuya, District Hoshiarpur.



TA-1391-2024 & TA-363-2025

For the convenience of discussion, the parties shall be referred, as making appearance in TA-1391-2024.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 04.10.2019. One daughter born from the said wedlock, who is about 5 years old, is in the care and custody of the respondent-wife. However, on account of the matrimonial dispute, the parties are residing separate and indulging in various litigation. Further, it is submitted by the counsel that the petition under the Protection of Women from Domestic Violence Act i.e. COMA/13/2021, filed by the respondent, is pending in the Courts at Dasuya. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/29/2021, which is also pending in the Courts at Dasuya. Besides the same, the applicant is facing trial in the Courts at Dasuya, relating to FIR bearing No.140 dated 06.05.2022, under Sections 406 and 498-A IPC, got lodged by the respondent at Police Station Dasuya, District Hoshiarpur.

Further, it is submitted that the applicant is suffering from 70% visual disability and on this account, it is difficult for him to commute a distance of about 57 kilometres, to defend the petition under Section 12 of the Protection of Women from Domestic Violence Act, at Dasuya. Also, it is submitted that the applicant, on account of his disability, is not following any avocation. Earlier, he was a 'teacher' in the private school. Also, it is submitted that separate transfer application i.e. CRM-M-21489-2024 has been filed by the applicant before this Court, thereby seeking transfer of the petition under Section 125 Cr.P.C., which is pending adjudication before the Coordinate Bench. Furthermore, it is submitted that the MRI Scan, which



TA-1391-2024 & TA-363-2025

has been placed on record at the behest of the respondent, relates to the year 2020 and the present scenario is not evident from any document. As such, a prayer is made for transfer of the petition under the Protection of Women from Domestic Violence Act and further for dismissal of TA-363-2025.

On the other hand, the counsel for the respondent has refuted the claim for transfer of the case and further made a prayer for transfer of the divorce petition, filed by the applicant-husband, from Jalandhar to Dasuya. In fact, it is submitted that the girl child born from the said wedlock, who is about 5 years old, is in the care and custody of the respondent-wife. Even, the said child is having various medical issues. In this regard, reference has been made to MRI Scan report, which is Annexure R-1/3 and on the basis thereof, it is submitted that there is outgrowth in the neck of the child. The counsel makes reference to Annexure P-5, annexed with TA-363-2025, which shows about there to be excess growth on the back side of the neck. Besides the aforesaid, it is also submitted that the petition under Section 125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, are pending in the Courts at Dasuya. Even, the applicant is facing trial of the criminal case got lodged by the respondent, in the Courts at Dasuya. Moreover, it is submitted that the respondent is not working and as such, is dependent upon her parental family.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of wife, while considering the transfer applications relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, surfaced from the material brought on record, ought to be taken into



TA-1391-2024 & TA-363-2025

consideration and thereupon, some balancing of the convenience/inconvenience is to be done by the Courts, in the fitness of circumstances. Each case has to be decided in its own factual background and one difference in the significant detail, may alter the decision of the transfer application. In the case in hand, though the applicant-husband is stated to be 70% visually disabled, but however, the fact remains that he is pursuing the other litigation, which is already pending in the Courts at Dasuya. At the same time, it also has to be taken into consideration that the respondent is not having any source of earning and she is totally dependent upon her parental family. Even, the minor daughter who is in the custody of the respondent, is school-going and is suffering from various medical issues. Though, it is submitted by the counsel for the applicant that MRI Scan, which has been placed on record, relates to the year 2020, but however, it is pertinent to mention that along with the reply, photograph has been annexed by the respondent-wife, which clearly reveals about the girl child to be still having outgrowth on the back side of the neck. Moreover, there are two other cases, besides the divorce petition and the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Dasuya and they are being pursued by the applicant-husband.

In view of the aforesaid fact situation, it is just and expedient to accept the prayer made by the respondent-wife, for transfer of the divorce petition, from Jalandhar to Dasuya and dismiss the transfer application, filed by the applicant-husband. Considering the same, the transfer application i.e. **TA-1391-2024** is hereby **dismissed**. However, the transfer application i.e. **TA-363-2025** is **allowed** and the petition under Section 13 of the Hindu



TA-1391-2024 & TA-363-2025

Marriage Act, 1955, i.e. DMC/681/2024, titled ‘*Sham Lal Vs. Freena Rani*’, filed by the respondent-husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Dasuya, District Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, Hoshiarpur.

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

But anyhow, considering the facts and circumstances of the present case, it is always open for the husband-Sham Lal, to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall deal with the same in the fitness of the circumstances.

28.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No