



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

Sr. No.108

**TA-1393-2024 (O&M)
Date of Decision: 07.11.2025**

HARMEET KAUR

....Applicant

Versus

AMIT ARORA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. K.S. Brar, Advocate
for the applicant.

Mr. Sandeep Chopra, 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. DMC/5508/2023, titled '*Amit Arora Vs. Harmeet Kaur*', filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Faridkot.

In pursuance of 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, had taken place on



31.10.2009. From the said wedlock, one daughter was born, who is about 13 years at present and she is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant has filed the petition under Section 12 read with Sections 18, 19, 20, 22, 23 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Faridkot and the respondent is making appearance in the same. Besides the same, FIR bearing No.202 dated 26.05.2024, was got lodged by the applicant, against the respondent and challan has since been presented in the Courts at Faridkot and the respondent is making appearance in the same. The case is now fixed for framing of charges. Also, it is submitted that the applicant is not having any source of earning. The distance between the two places is stated to be about 220 kms.

On the other hand, counsel for the respondent, while making reference to the reply, resists the transfer application. In fact, he submits that though, the respondent has no objection to the transfer application being allowed, but however, the divorce petition be transferred to any place other than Faridkot, as the respondent apprehends danger to his life, at the behest of the applicant and her family, if the case is transferred to Faridkot. In fact, counsel for the respondent has made reference to the DDR bearing No.34 dated 11.05.2024, copy whereof is Annexure R-2, on the basis thereof, he submits that the apprehension is writ large.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from



the material brought on record, are also required to be taken into consideration. In the case in hand, the most weighing factor is about the grown-up daughter, born from the wedlock of the parties, to be in the care and custody of the applicant. Also, two other cases, arising from this matrimonial dispute, are already pending in the Courts at Faridkot, more particularly, the criminal case, wherein the respondent is required to make appearance, on each and every date of hearing. Even though, it is submitted by the counsel for the respondent that there is an apprehension of danger to the life of the respondent, at the behest of the applicant and her family, but however, relating to the same, apart from these allegations, no material is coming forth, with regard to any action initiated against the applicant. There is only copy of DDR dated 11.05.2024, which is coming on record. However, as to what happened thereafter, nothing is available on record. In these circumstances, seemingly, this is a wide allegation made by the respondent and the same has to be considered in the backdrop of other litigation, already pending at Faridkot, wherein the respondent is already making appearance.

Considering all the aforesaid circumstances, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/5508/2023, titled '*Amit Arora Vs. Harmeet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Faridkot. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Faridkot.



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

07.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No