



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

103

TA-1534-2023(O&M)

Date of Decision: May 23, 2025

Tejinder Kaur

...Applicant

Versus

Gurpreet Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Tarun Sharma, Advocate
for the applicant.

Respondent-in-person with
Mr.S.S.Cheema, Advocate.

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.HMA-606-2021, titled 'Gurpreet Singh vs. Tejinder Kaur', is pending in the Family Court, Moga and she seeks transfer of the same to the Court of competent jurisdiction at Ferozepur.

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



22.01.2005 and two children were born from the said wedlock; son aged about 15 years and daughter aged about 13 years. Both the son and daughter, at present, are studying in B.Com (1st Year) and 11th class respectively and are in the care and custody of the respondent. However, on account of matrimonial dispute, the parties are residing separate.

Also, it is submitted that the applicant is not having any source of earning and in the given circumstances, it is difficult for her to commute a distance of about 120 kms., 'to and fro' 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 is residing separate for no good reason. In fact, the respondent is taking care of both the children, who are studying and in case, the transfer application is allowed, their educational facility will be disturbed.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts, lean towards the convenience of the wife, while dealing with the transfer applications, relating to the matrimonial disputes, 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.

Considering the circumstantial flexibility, one detail of the factual background of each case, may change the fate of the transfer application. In the case in hand, the applicant is staying at Ferozepur, which is at a distance of about 40 kms. and it is straight road to Moga and both the places are well connected with the transport.

Considering the same and also taking into consideration the fact of two children, born from the estranged marriage, being taken care of by the respondent and more particularly, when both the children are studying, it is quite obvious that their educational facility is bound to be disturbed, in case of acceptance of the transfer application.

In view of the aforesaid circumstances, no good ground is made out for allowing the transfer application and the same is hereby dismissed.

May 23, 2025	(ARCHANA PURI)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	Yes/No