



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

Sr. No.233

**TA-1267-2025 (O&M)
Date of Decision: 22.12.2025**

PREETY

....Applicant

Versus

JAGDISH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.S. Nain and Ms. Tanya Vashist, Advocates
for the applicant.

Mr. Narender Kumar Rana, 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. HMA/3410/2025, titled '*Jagdish Kumar Vs. Preety*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Ambala.

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 to the lis, had taken place on



07.10.2013. One daughter born from the said wedlock, who is about 9 years old, is in the care and custody of the respondent-husband. The applicant is stated to be working as a private 'Assistant Professor' in Lord Krishna College of Education, Village Adhoya, Tehsil Barara, District Ambala and earning Rs.18,500/- per month, whereas the respondent stated to be doing government job and earning Rs.75,000/- per month. The applicant is residing in a rented accommodation at Ambala. Also, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Ambala, at appearance stage. The distance between the two places is stated to be about 85 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant is well-educated and is a working woman. Further, it is submitted that the distance between the two places is only 45-50 kms. As such, it is submitted that the applicant is not facing any hardship, in pursuing the litigation, more particularly, while it is civil in nature.

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 the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration and thereupon, some balancing of the convenience/inconvenience of both the parties is required to be made. In the case in hand, the most relevant and weighing factor is the custody of the girl child, being with the respondent-



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husband. The applicant is herself well-educated, professional woman. She is working as private 'Assistant Professor' in Lord Krishna College of Education, Village Adhoya, Tehsil Barara, which falls within the jurisdiction of Ambala.

Taking into consideration the father having the custody of the girl child, obviously, he must be facing lots of challenges in upbringing her. Considering the 'best interest' of the child, the fact of the applicant being a well-educated woman and working as an 'Assistant Professor' in the college and also considering the fact of two stations to be located on the main road and also having a well-connected transportation, at this stage, this Court does not deem it appropriate to accept the application. Hence, the transfer application is hereby dismissed.

Pending civil miscellaneous application also stands disposed of.

22.12.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No