



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

Sr. No.112

TA-1604-2023

Date of Decision: 08.04.2025

RANJEET KAUR**....Applicant****Versus****SONU SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Charanjit Singh Bahia, Advocate
for the applicant.

Mr. Sushil Kumar Verma, 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-A of the Hindu Marriage Act i.e. HMA/563/2023, titled '*Sonu Singh Vs. Ranjeet Kaur*', filed by the respondent-husband, pending in the Family Court, Sirsa and she seeks transfer of the same to the Court of competent jurisdiction at Bathinda.

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

The 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 18.01.2014. One son born from the said wedlock, is in the care and custody of the respondent. The applicant is not having any source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Bathinda. In the given circumstances, it is submitted that it is



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difficult for the applicant to commute a distance of about 100 kilometres, from Bathinda, to defend the divorce petition.

However, the counsel for the respondent, while making reference to the reply and Annexures R-1 to R-3, has submitted that it is only on account of the bad conduct, on the part of the applicant, that the dispute is going on between the parties. Also, it is submitted that earlier, the respondent had filed the petition under Section 9 of the Hindu Marriage Act in the Family Court, Sirsa, on 25.09.2019. However, compromise was effected between the parties, copy whereof is Annexure R-2 and thereupon, the respondent had withdrawn the said petition, as evident from the order dated 01.02.2021, copy whereof is Annexure R-3. Thereafter, again the applicant had got out of marriage and under the constrained circumstances, the respondent had filed the petition under Section 9 of the Hindu Marriage Act. Also, it is submitted that while taking care of the minor son, it shall be too harsh for him also, if the transfer application is allowed, more particularly, when there is convenient mode of communication to connect the two places i.e. Sirsa and Bathinda.

In view of the rival submissions made by both the counsel, it is pertinent to mention that even though, there was earlier litigation between the parties, which was withdrawn, on the basis of the compromise, as asserted by the counsel for the respondent, but however, may it be so, this Court is intentionally keeping a restrain to make mention about the same, as the impact of the litigation, on the basis of the compromise reached between the parties, shall be seen and appraised by the Family court, where the matter is pending. Even then, it is pertinent to mention that the marriage between the parties had taken place on 18.01.2014 and son born from the said



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wedlock, is in the care and custody of the respondent. The parties are litigating since the year 2018. Off and on, the applicant had remained away from the matrimonial alliance. She had not initiated any step to call the rehabilitation, as well as for seeking custody of the son born from the wedlock. In fact, she has filed only the petition under Section 125 Cr.P.C.

Considering all the aforesaid circumstances and also taking into consideration the fact of the minor child residing with the respondent, at this stage, no case is made out for allowing the transfer application, as the applicant is not required to make appearance in the civil matter, on each and every date of hearing.

In view of the aforesaid terms, the transfer application is hereby dismissed.

However, balancing the convenience/inconvenience between both the sides, the applicant always has an option to file an application before the Court concerned, to secure her presence, as and when required, through video conferencing. Upon filing of such application, the Court concerned shall pass any appropriate order. In any case, if the physical presence of the applicant is required by learned Family Court, then also, she always has an option to seek litigation expenses.

08.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No