



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

Sr. No.128

TA-1576-2024 (O&M)

Date of Decision: 08.04.2025

SARABJIT KAUR

....Applicant

Versus

KARAMJIT SINGH

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mohit Kumar, Advocate
for the applicant.

ARCHANA PURI, J. (Oral)

The respondent was proceeded against *ex parte*, vide order dated 02.04.2025.

At this stage, Mr. Angrej Singh Sarwara, Advocate, has made appearance on behalf of the respondent and filed Power of Attorney, which is taken on record. However, the counsel for the respondent submits that he does not intend to file reply. As such, at this stage, he is allowed to join the proceedings.

The counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/518/2023, titled '*Karamjit Singh Vs. Sarabjit Kaur*', filed by the respondent-husband, pending in the Family Court, Barnala and she seeks transfer of the same to the Court of competent jurisdiction at Sangrur.



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It is submitted by the counsel for the applicant that the marriage between the parties to the lis, was solemnized on 28.02.2016. One son born from the said wedlock, who is about 5 years old, is in the care and custody of the respondent. However, there is a matrimonial dispute between the parties, as a result whereof, the applicant has filed the petition under Sections 12, 18, 19, 20, 21, 22 and 23 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Sangrur. Also, it is submitted that the applicant is residing at her parental place at Bhawanigarh and is doing job at Mehar Hospital, Zirakpur. As such, it is submitted that it is difficult for the applicant to commute a distance of about 63 kilometres, from the place of her residence, to defend the petition under Section 9 of the Hindu Marriage Act.

On the other hand, the counsel for the respondent has though not filed the reply, but considering the submissions made by the counsel for the applicant, he submits that the applicant is earning woman, as she is working in hospital at Zirakpur, which is double the distance of the place, where the litigation is already pending and where the applicant intends to seek transfer of the same. Furthermore, it is submitted that it shall be too harsh for the respondent also, if the petition under Section 9 of the Hindu Marriage Act, is transferred, more particularly, when he is taking care of the minor son.

In view of the rival submissions made aforesaid, it is pertinent to mention that generally the Courts lean towards the convenience of the wife, in case of transfer applications relating to the matrimonial disputes. However, it is not a thumb rule. Various circumstances coming forth, also ought to be taken into consideration. Each case has to be decided, on the



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basis of its own factual background and one differential fact can lead to a different decision, in the transfer applications also. In the case in hand, the son born from the wedlock, is in the custody of the respondent. The applicant is residing at Bhawanigarh and also doing job in Zirakpur, which is far away from the place of her residence.

In the light of the aforesaid, if the applicant could pursue her job at Zirakpur, which is also at a more distance, than the place, where the petition filed by the respondent is pending and where she seeks to transfer the same, it is just and expedient that the transfer application be not allowed, as the respondent is also taking care of the minor son, born from the wedlock of the parties.

Hence, the transfer application is bereft of merits and as such, the same is hereby dismissed.

Pending civil miscellaneous application also stands disposed of.

08.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No