



TA-1608-2024

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

Sr. No.116**TA-1608-2024****Date of Decision: 08.05.2025****PARDEEP KAUR****....Applicant****Versus****JATINDER SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Deepa Negi, Advocate for
Mr. S.S.Swaich, Advocate for the applicant.

Mr. Chetan Kapoor, 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/291/2024 titled "*Jatinder Singh v/s Pardeep Kaur*", filed by the respondent/husband, which is pending in the Family Courts, Rajpura, District Patiala and she seeks transfer of the same to the court of competent jurisdiction at Derabassi, District SAS Nagar.

Upon notice, the respondent has made appearance through counsel and filed the 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 was solemnized on 05.04.2015, but no child was born from the said wedlock. It is further submitted that the applicant is not having any source of earning and thus, it is difficult for her to defend the divorce petition, pending at Rajpura courts. The applicant has filed one petition under Section 125 Cr.P.C., which is pending in the courts at Derabassi.



On the other hand, counsel for the respondent submits that the distance is not 50 kms, as asserted in the application. Rather, he submits that it is only 25 kms. On query by the court, it is submitted that the respondent is working as private Security Guard.

In view of the rival submissions made aforesaid, it is pertinent to mention that generally the courts lean towards the convenience of wife, in case of transfer applications, relating to the matrimonial disputes, but however, it is not a thumb rule. Variour other circumstances also ought to be taken into consideration.

In the case in hand, the distance between Rajpura and Derabassi is 25 kms and thus, the distance in itself, is weighing factor to consider the transfer application. There is no child born from the wedlock of the parties to the lis. In the given circumstances, there is no mitigating circumstance, coming forth, which impresses this Court, to accept the transfer application, more particularly, when it is a civil dispute between the parties, wherein the parties are not required to make appearance physically on each and every date of hearing.

Considering the same, the transfer application is hereby dismissed.

However, the applicant always has the option to file an application before the court below, for making appearance through virtual mode and the court concerned shall consider the same in the fitness of the circumstances and pass an appropriate order.

08.05.2025

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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes/No