



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

Sr. No.116

TA-19-2025

Date of Decision: 10.03.2026

MANPREET KAUR

....Applicant

Versus

BUNTY

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Gurnoor Singh Sethi, Legal Aid Counsel
for the applicant.

Mr. Akshay Bhan, 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/85/2023, titled '*Bunty Vs. Manpreet Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Samana, District Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Moonak, District Sangrur.

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



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13.09.2017. One daughter was born from the said wedlock, in the year 2020 and she is presently in the care and custody of the respondent/husband. Further, it is submitted that on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 i.e. MNT/32/2024, as well as the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/48/2022, which are pending in the Courts at Moonak and the respondent had not made appearance in both the said cases and has been proceeded against *ex parte*. Also, it is submitted that in a fraudulent manner, under the pressure of the elders, present in the Panchayat, Panchayati divorce was taken by the respondent. However, the applicant was oblivious of the contents of the said divorce. It was, at the time of panchayati divorce only, that the custody of the child was taken by the respondent in a fraudulent manner. Even though, the terms of the divorce, as drawn by the elders of the panchayat, for payment of Rs.85,000/- by the respondent, to the applicant, has been complied with, but however, the same was to be done, in a time bound period of up to 25.05.2022.

The distance between the two places is stated to be about 60 kms. As such, it is submitted that it is difficult for the applicant, to commute such a distance to defend the divorce petition.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant has not come to the Court with clean hands. In fact, it was on account of settlement reached with the respondent, that the applicant had agreed to hand over the custody of the



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daughter, to the respondent. Also, it is submitted that since the respondent is taking care of the daughter, who is about 6 years old, it shall be too harsh for him also, to pursue the divorce petition, if the transfer application is accepted. Even, an amount of Rs.85,000/- as permanent alimony has been paid by the respondent to the applicant and the dowry articles have since been received by the applicant.

Furthermore, the counsel submits that the respondent is suffering from knee ailment and he had undergone arthroscopic surgery, including anatomic ACL reconstruction plus medial and lateral meniscectomy, performed under spinal anesthesia, on 17.09.2024. On account of this medical ailment, the respondent has very restricted mobility, as a result whereof, it will become too taxing for him also, to pursue the divorce petition, if so transferred.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration. Each case has to be decided in its own factual background. One distinctive circumstance may change the decision of the transfer application.

In the case in hand, the most weighing factor is about the daughter, who is about 6 years old, to be in the care and custody of the respondent/husband. However, the custody of the said daughter was earlier with the applicant. Undisputedly, panchayati divorce had taken place between the parties, copy whereof is Annexure A-2. Though, the counsel for the applicant has submitted that the panchayati divorce was obtained fraudulently, but however, the validity of the same is not the question to be



pondered over, by this Court, while dealing with the transfer application. In any case, it is evident that certain terms were settled, when the custody of the daughter was handed over to the respondent. Even though, counsel for the respondent do not dispute about this panchayati divorce, but in the reply, it is stated that the amount settled for permanent alimony to the extent of Rs.85,000/- was paid by the respondent to the applicant and even, the dowry articles were returned to the applicant. However, this is contrary to the recitals of panchayati divorce, which stated that the amount shall be paid up to 25.05.2022. Thereafter, the amount having paid or not, nothing, as such, is coming on record.

Besides the aforesaid, two other cases, arising from this broken marriage, are already pending in the Courts at Moonak, District Sangrur. In both the said cases, despite service, the respondent had not made appearance, as submitted and the respondent, as such, was proceeded against *ex parte*.

On query by this Court, counsel for the respondent was unable to state, as to whether he had joined the proceedings or not.

In view of the aforesaid fact situation, more particularly, considering about the applicant herself, not having any source of earning and the fact of respondent not making appearance in the pending litigation and also about the fact of amount of Rs.85,000/-, not paid, even though, the child is with the husband, but however, the convenience of the applicant also ought to be taken into consideration, more particularly, when she is having paucity of funds and the terms settled have not been complied with by the respondent.



Considering the aforesaid circumstances, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/85/2023, titled '*Bunty Vs. Manpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Samana, District Patiala, to the Court of competent jurisdiction at Moonak, District Sangrur. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Samana, to the District and Sessions Judge, Sangrur.

Learned District and Sessions Judge, Sangrur, shall assign the said petition to the Family Court (Camp Court) Moonak. Even, the parties are directed to appear before the Family Court Family Court (Camp Court) Moonak, within a period of one month from today onwards.

However, keeping in view the convenience of the respondent also, he always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

10.03.2026

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No