



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

Sr. No.211

TA-53-2025

Date of Decision: 30.01.2026

RAHUL MATTU

....Applicant

Versus

RUPALI THROUGH HER ATTORNEY HARISH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ankit Kharbanda, Advocate
for the applicant.

Mr. S.P.S. Aulakh, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-husband has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/368/2024, titled '*Rupali through attorney Vs. Rahul Mattu*', filed by the respondent-wife, pending in the Family Court, Kapurthala and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

Upon notice issued, respondent made appearance through attorney-holder and his counsel 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 30.11.2020, but no child was born from the said wedlock. Both the parties had gone to Canada. On account of matrimonial dispute, the applicant-husband returned back to India. Further, it is submitted that the applicant is unemployed and does not have any source of earning. He is dependent upon his aged father. He is also looking after his grand-mother. Such, being the circumstances, the counsel for the applicant submits that no inconvenience is to be caused to the respondent, who is herself residing in Canada and the divorce petition has been filed through the attorney-holder.

On the other hand, counsel for the respondent, while making reference to the reply, submits that wide allegations, with regard to the applicant being unemployed have been raised. Further, it is submitted that the place, where the divorce petition has been filed, has the jurisdiction. Thus, it is submitted that when there is no reason coming forth to accept the application, it ought not be allowed.

In view of the submissions aforesaid, it is pertinent to mention that, while adjudicating on the transfer application relating to the matrimonial dispute, various circumstances, spelt out from the material brought on record, ought to be considered and then balancing of the convenience/inconvenience of the parties, has to be made. In the case in hand, the sole reason pleaded by the applicant, for seeking transfer of the divorce petition, is that he is unemployed and is dependent upon his father and looking after his grand-mother. During the course of submissions, it was evident that the applicant-husband was earlier residing at Canada. In



the given circumstances, it cannot be said that he is not having financial capacity to pursue the litigation in question. It is pertinent to mention that the respondent-wife is residing in Canada and she has filed the divorce petition in Kapurthala through her attorney. No doubt, as submitted by the counsel for the applicant that the convenience of the attorney-holder, cannot be placed above convenience of the party concerned, but however, at first instance, it is required on the part of the litigant, coming to the Court, to make out the ground for seeking transfer.

As observed aforesaid, no satisfactory reason is assigned for seeking transfer of the divorce petition. Plea about lack of finances, on account of not doing any work, is put forth by the applicant, but however, since he has returned from Canada, it cannot be said that he has lack of finances, to pursue the litigation.

In view of the aforesaid factual position, no case is made out to accept the application.

Hence, the transfer application is hereby dismissed.

30.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No