



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

**Sr. No.109**

**TA-305-2025 (O&M)  
Date of Decision: 19.02.2026**

**SAKSHI TANDAN THR SPECIAL POWER OF ATTORNEY**

**....Applicant**

**Versus**

**DIVAYANSHU SINGLA**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Parminder Singh, Advocate  
for the applicant.

Mr. Vivek Singla, Advocate  
for the respondent.

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**ARCHANA PURI, J. (Oral)**

The applicant-wife, through her father, as Attorney holder, has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/640/2024, titled '*Divyanshu Singla v/s Sakshi Tandon*', 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 Karnal.

In pursuance of notice issued, the respondent made appearance through counsel. However, counsel had made a statement that he does not



want to file reply, though, he contest the application, on behalf of the respondent.

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 25.11.2017 and after marriage, the applicant as well as respondent, had proceeded to United States of America. While in USA, two daughters were born from the wedlock of the parties. However, unfortunately the matrimonial dispute arose between the parties and in the month of November 2023, the applicant together with the daughters had returned to India, at her parental place at Karnal. Thereafter, the applicant alone had gone to Canada, whereas the daughters, who are in the age group of 2 – 5 years, are in the care and custody of the parents of the applicant. Various litigation has taken place, on account of the broken status of the marriage.

It is also submitted by the counsel for the applicant that the applicant was proceeded against *ex parte* in the divorce petition and when an application for setting aside of *ex parte* proceedings, was filed, the court had asked the Attorney holder of the applicant, to make appearance in person, on the next date of hearing. Further, a direction was given to make appearance in person, on each and every date of hearing. Copy of the order to this effect, passed by the court, during the pendency of the divorce petition is Annexure P-4. Counsel for the applicant also submits that when the father of the applicant, while pursuing the divorce petition, had gone to the court, the



respondent had scuffled with him, relating to which an application, was also filed, copy whereof is Annexure P-6.

Even, an FIR bearing No.130 dated 28.03.2025 under Section 323, 406, 498-A 506 IPC, was got lodged at the behest of the applicant at Police Station Civil Lines, Karnal. The father of the applicant had accompanied the police officials to the house of the respondent, which was found locked and thereafter, the FIR was got registered by the respondent, on false accusations, copy whereof is Annexure P-2.

Such being the circumstances, it is submitted that there is threat persisting to the attorney holder of the applicant i.e. her father, at the instance of the respondent and therefore, it is difficult for him to pursue the divorce petition at Barnala, which is at a distance of about 200 kms, from the place of his residence, more particularly, when the parents of the applicant are taking care of two minor daughters of the applicant, who are in India. Also, it is pointed out that the criminal case registered against the respondent, is pending investigation in Karnal. Apart from the said FIR, even the petition under Section 12 of Protection of Women from Domestic Violence Act as well as petition under Section 125 Cr.P.C., have been filed by the applicant, which are pending in the courts at Karnal and the respondent is pursuing the said litigation. Even, the respondent had filed the guardianship petition, which is also pending in the courts at Karnal.

On the other hand, though reply, as such, has not been filed, but however, the counsel for the respondent submits that the applicant is herself residing at Canada and therefore, no inconvenience of the attorney holder of



the applicant, be considered, for the purposes of transferring the matrimonial litigation. Even, it is submitted that an FIR was also got registered by the respondent, against the father of the applicant, which is still pending investigation in Barnala.

In view of the submissions made aforesaid, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, various factors are to be taken into consideration and then balancing of the convenience/inconvenience of parties, has to be done by the court. No factor, singularly, can be considered to adjudicate on the transfer applications.

In the case in hand, the applicant herself is residing at Canada and the present application, for seeking transfer, has been filed by her attorney holder, who is her father. No doubt, as submitted by the counsel for the respondent, the convenience of the attorney holder, as such, cannot be given much weightage, but however, at the same time, it is not a thumb rule that all the times, the convenience of the attorney holder, is not to be considered. Various other circumstances spelt out, from the material brought on record, ought to be taken into consideration, while considering the convenience of the applicant also.

Even though, the applicant herself is residing at Canada, but admittedly, two daughters born from the broken marriage, are in the care and custody of the applicant and they are presently residing with her parents in India. The said children are in the age group of 2 – 5 years. The interest of the said children, ought to be taken into consideration. This is one of the



weighing factor, to be considered. From the material brought on record, which has been detailed aforesaid, it is evident that criminal proceedings have been initiated on account of scuffle, at the instance of the respondent. Even if, the proceedings which are sought to be transferred are of civil nature, but however, from perusal of the order dated 24.10.2025 passed by the court in the divorce petition, copy whereof is Annexure P-4, it is evident that the court concerned had directed the attorney holder to make appearance on each and every date of hearing. In the given circumstances, obviously, when scuffle had taken place between the rival parties, at earlier time, the chances of the parties, again entering into an altercation, while making appearance before the court concerned at Barnala, as such, cannot be ruled out, more particularly, when criminal cases have already been registered to the altercation, having earlier taken place between the two.

Considering all the aforesaid facts, more particularly, wathing the interest of the minor daughters of the applicant, staying with her parents in India, considering the distance between the two places and above all, taking into consideration the fact of three other cases pending in the courts at Karnal, two of which are pursued by the respondent and one petition is filed by the respondent himself, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/640/2024, titled '*Divyanshu Singla v/s Sakshi Tandon*', filed by the respondent-husband, filed by the respondent-husband, stands transferred from the Family Court, Barnala, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case



be sent by the Family Court, Barnala, to the District and Sessions Judge, Karnal.

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

19.02.2026  
Sonu Saini

(ARCHANA PURI)  
JUDGE

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