

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

Sr. No.214

TA-334-2025

Date of Decision: 17.04.2026

KAMALJEET KAUR

....Applicant

Versus

MOHIT VERMA AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pankaj Bains, Advocate
for the applicant.

Mr. Manpreet Singh Kaajan, Advocate
for respondent No.1 (sole contesting respondent).

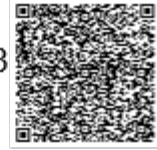
ARCHANA PURI, J. (Oral)

At this stage, counsel for respondent No.1, who is the sole contesting respondent, has given a statement that he does not want to file reply to the transfer application, though, he contests the same.

Counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 11 of the Indian Divorce Act i.e. HMA/108/2023, titled '*Mohit Verma Vs. Kamaljit Kaur and another*', filed by the respondent-husband, pending in the Family Court, Malerkotla and she seeks transfer of the same to the Court of competent jurisdiction at Barnala.

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



10.03.2021, but no child was born from the said wedlock. Unfortunately, matrimonial dispute arose between the parties, as a result whereof, they are residing separate. Further, it is submitted that the applicant is not working and as such, has no source of earning. She is dependent upon her parents. Even, she has filed the petition under Section 125 Cr.P.C.i.e. MNT-125/174/2023, as well as the petition under the Protection of Women from Domestic Violence Act i.e. DV/38/2023, which are pending in the Courts at Barnala. The distance between the two places is stated to be 50 kms.

On the other hand, counsel for the respondent, though, has not filed the reply, but however, he resists the claim for transfer. In fact, he submits that the divorce petition was filed at first instance, by the respondent and only thereafter, the maintenance petition, as well as the petition under the Protection of Women from Domestic Violence Act, have been filed by the applicant. Also, the distance between the two places is stated to be 42 kms., which is not such, which causes any inconvenience to the applicant.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application relating to the matrimonial dispute, the Courts generally lean towards convenience of the wife. However, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, as per the contents of the application and the submissions made at the instance of the counsel for the applicant, there is no mitigating circumstance, which impels the Court to accept the transfer application. In fact, there is no child born from the said wedlock. Even though, the applicant is not working, she has filed the petition under Section



125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, subsequent to filing of the divorce petition, which is sought to be transferred. Also, the distance between the two places is not such, which calls upon the Court to consider the same, while adjudicating on the transfer application. Moreover, there is well-connected rail and road link between the two places.

In view of the aforesaid factual position, this Court does not deem it appropriate to allow the application.

Hence, the transfer application is hereby dismissed.

17.04.2026

Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No