



TA-535-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.109

TA-535-2024

Date of Decision: 11.02.2026

PREM LATA

....Applicant

Versus

DARA SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Manpreet Kaur, Advocate for
Mr. Shantanu Bansal, Advocate
for the applicant.

Mr. Naveen S. Attri, 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/956/2022, titled '*Dara Singh Vs. Prem Lata*', filed by the respondent-husband, pending in the Family Court, Yamuna Nagar at Jagadhri and she seeks transfer of the same to the Court of competent jurisdiction at Ambala.



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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 05.12.2011. Three daughters were born from the said wedlock, who are in the age group of 4-9 years. Two of the daughters are currently in the care and custody of the applicant, whereas, the third daughter is in the custody of the respondent. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. As such, it is submitted that it is difficult for her, to commute a distance of even 50 kms., to defend the divorce petition. Even, she had filed a complaint before the police authorities, on the basis whereof, FIR bearing No.74 dated 30.01.2023, under Sections 323, 406, 498-A, 506 and 34 IPC, was registered at Police Station Ambala Cantt., District Ambala. It is submitted that challan has been presented in the said case and the respondent is facing trial in the Courts at Ambala.

On the other hand, counsel for the respondent submits that even, the respondent is taking care of one daughter and it shall be inconvenient for him also, to pursue the divorce petition, if the transfer application is accepted.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on



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record, ought to be taken into consideration. In the case in hand, there are three minor daughters born from the estranged marriage. Two of them are in the care and custody of the applicant, whereas the third daughter is in the custody of the respondent. The applicant, herself is not having any source of earning. Even, she has got lodged a criminal case against the respondent, wherein, the respondent is facing trial in the Courts at Ambala. Definitely, when the applicant is not having any source of earning, many challenges must be faced by her, while raising the minor daughters. Even though, the respondent is having the custody of one daughter, but however, compared to both the applicant and respondent, the inconvenience faced by the applicant is more. Above all, the respondent is facing trial, relating to the criminal case, in the Courts at Ambala, wherein, he is required to make appearance on each and every date of hearing.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/956/2022, titled '*Dara Singh Vs. Prem Lata*', filed by the respondent-husband, stands transferred from the Family Court, Yamuna Nagar at Jagadhri, to the Court of competent jurisdiction at Ambala. The requisite record of the aforesaid case be sent by the Family Court, Yamuna Nagar, to the District and Sessions Judge, Ambala.

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



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However, the respondent 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.

11.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No