



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

Sr. No.172

TA-826-2025

Date of Decision: 11.02.2026

HARDEEP KAUR

....Applicant

Versus

JASWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. P.P.S. Tung, Advocate
for the applicant.

Mr. L.S. Sidhu, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

At this stage, counsel for the respondent submits 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 13 of the Hindu Marriage Act i.e. HMA/299/2022, titled '*Jaswinder Singh Vs. Hardeep Kumar*', filed by the respondent-husband, pending in the Family Court (Camp Court) Jagraon, District Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Baghapurana, District Moga.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 24.09.2017. On query by this Court, it is submitted that there is no child born from the said wedlock. Further,



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it is submitted that on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. She had filed the petition under the Protection of Women from Domestic Violence Act, which has since been decided by the Courts at Baghapurana vide order dated 10.10.2022, copy whereof is Annexure P-2. Also, it is submitted that therein, the respondent was proceeded against *ex parte*.

Further, counsel while making reference to paragraph No.8 of Annexure P-2, submits that even though, maintenance to the extent of Rs.5,000/- per month has been fixed by learned Family Court and also, an amount of Rs.10,000/- has been fixed towards litigation expenses, but however, the respondent has not paid any amount, till date. With regard to alternative accommodation, the direction given by the Court has not been complied with, by the respondent.

On the other hand, counsel for the respondent submits that the distance between the two places is only 46 kms. and as such, the applicant can very conveniently pursue the litigation, even if it remains pending in the Courts at Jagraon, District Ludhiana.

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, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration and then balancing of convenience/inconvenience of the parties has to be made. Though, much emphasis has been laid upon the distance between the two places to be only 46



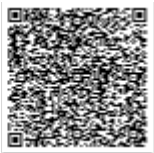
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kms., but however, this is one of the factors, which ought to be considered. There are other material circumstances, which also weigh the mind of the Court, while adjudicating on the transfer application.

In the case in hand, there was petition under the Protection of Women from Domestic Violence Act, filed at the instance of the applicant, which remained pending at Baghapurana. Therein, the respondent was proceeded against *ex parte* and the said case has since been decided, vide judgment dated 10.10.2022, copy whereof is Annexure P-2. Perusal of the same reveals that maintenance has been fixed, to the extent of Rs.5,000/- per month and besides the same, Rs.10,000/- was ordered to be paid, as litigation expenses. Even, a direction was given to the respondent, to pay rent of an alternative accommodation to the applicant, to the tune of Rs.2,500/- per month, from the date of complaint. However, as now disclosed by the counsel for the applicant, compliance of the aforesaid order, has not been made by the respondent and till date, no maintenance, litigation expenses or arrears of rent, as ordered by the Court, have been paid. In the given circumstances, counsel has pointed out that the applicant was constrained to file execution.

On query by this Court, it is disclosed by the counsel for the applicant, that despite several adjournments given by the Executing Court, the respondent is not making appearance in the execution.

Considering the aforesaid conduct of the respondent, the distance, as such, does not matter much. As such, 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/299/2022, titled '*Jaswinder*



Singh Vs. Hardeep Kumar’, filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Jagraon, District Ludhiana, to the Court of competent jurisdiction at Baghapurana, District Moga. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Jagraon, to the District and Sessions Judge, Moga.

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

11.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No