



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

Sr. No.108

**TA-1110-2025 (O&M)
Date of Decision: 07.04.2026**

SONIA SINGLA

....Applicant

Versus

JATIN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. A.S. Mann, Advocate
for the applicant.

Mr. A.S. Sekhon, 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/400/2024, titled '*Jatin Kumar Vs. Sonia Singla*', filed by the respondent-husband, pending in the Family Court, Faridkot and she seeks transfer of the same to the Court of competent jurisdiction at Mansa.

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



10.02.2023, but no child was born from the said wedlock. Further, counsel submits that the respondent is a foreign resident and he came to India in February, 2023 and had performed the marriage. Thereafter, he had not taken the applicant to Australia and as such, the dispute arose between the parties. In fact, it is submitted that the applicant is not having any source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Mansa. Therein, service of the respondent has been duly effected, but however, he has not made appearance. Also, it is submitted that the distance between the two place is 130 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant has not come to the Court with clean hands. In fact, the respondent, with bonafide intention, had transferred an amount of Rs.9,58,156/- to the applicant, on various occasions, through World Remit Pvt. Ltd., Australia. However, it is submitted that there was greed for having more money and on this account, the dispute had taken place between the parties. In fact, the applicant, at the instance of her father, had extended threat to the respondent, on the mobile phone. Further, it is submitted that subject to receipt of Rs.10,00,000/-, the applicant had agreed to file the petition under Section 13-B of the Hindu Marriage Act, for seeking divorce by mutual consent. However, the said amount was paid to the applicant, in cash and after receipt of the said amount, the applicant refused to sign the written compromise and backed out of the same. In the given circumstances, it is submitted that intention of the applicant is malafide and therefore, the application be dismissed.



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, the same is not a thumb rule. If various other circumstances, spelt out from the material brought on record, goes against the wife, then the same also ought to be taken into consideration and thereafter, balancing of convenience/inconvenience of both the parties ought to be made by the Court.

In the case in hand, the respondent, admittedly, is residing at Australia, though, his address has not come on record. In any case, he is already making appearance through his counsel. Even though, it is asserted that an amount of Rs.9,58,156/- was paid to the applicant, on various occasions, through World Remit Pvt. Ltd., Australia, but no material has been brought on record, to substantiate this assertion. Furthermore, the plea with regard to the payment of Rs.10,00,000/-, as condition precedent for filing the petition under Section 13-B of the Hindu Marriage Act, as asserted by the respondent, also does not stand substantiated. It is highly improbable that a person will part with money, without obtaining signatures of other party, on the written compromise. Even, the written compromise has not come on record. Otherwise also, the said facts shall be appraised by the Court concerned, where the divorce petition is pending.

Suffice to consider the respondent himself to be residing at Australia and the applicant, not having any source of earning, as well as considering the fact of maintenance petition, to be already pending in the



Courts at Mansa and also taking into consideration the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/400/2024, titled ‘*Jatin Kumar Vs. Sonia Singla*’, filed by the respondent-husband, stands transferred from the Family Court, Faridkot, to the Court of competent jurisdiction at Mansa. The requisite record of the aforesaid case be sent by the Family Court, Faridkot, to the District and Sessions Judge, Mansa.

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

Pending civil miscellaneous application also stands disposed of.

07.04.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No