



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.102

TA-1392-2024

Date of Decision: 16.02.2026

BHAWANA KUMARI

....Applicant

Versus

KIRAN PAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Surinder Sharma, Advocate
for the applicant.

Mr. Pawan Kumar Sharma, 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 (ia) and (ib) of the Hindu Marriage Act i.e. HMA/237/2024, titled '*Kiran Pal v/s Bhawana Kumari*', filed by the respondent-husband, pending in the Family Court, Derabassi, District SAS Nagar and she seeks transfer of the same to Family Court (Camp Court), Mukerian, District Hoshiarpur.

Upon 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 06.12.2021, but no child was born from the said wedlock. Unfortunately, the



matrimonial dispute arose between the parties, as a result whereof, the applicant is residing at her parental place and is dependent upon her parents. She is not having any source of earning. No other case is pending between the parties. The distance of Mukerian courts, where the case is pending from the residence of the applicant, is stated to be about 250 kms. The respondent is working in Merchant Navy and earning 3,000 dollars, per month.

On the other hand, counsel for the respondent submits that the applicant is a well educated lady. She has done Masters in Physiotherapy and the expenses qua the same, were borne by the respondent. Also, it is submitted that there is threat to the life of the respondent, at the instance of brother of the applicant. On query by the court, it is disclosed that till date, no application, as such, has been filed by the respondent, qua the threat, so extended, at the instance of the brother of 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, various factors ought to be taken into consideration and generally, the courts lean towards the convenience of wife, though, it may not be a thumb rule. Anyhow, some balancing of the convenience/inconvenience has to be made. Other circumstances, spelt out from the material brought on record, has to be considered.

In the case in hand, though there is no child born from the estranged marriage, but however, the applicant is not having any source of earning and the distance between the two places, where it is pending and where it is sought to be transferred is 260 kms, one side.



Considering the aforesaid constrained circumstances and also taking into consideration the respondent himself to be working in a Merchant Navy and not making appearance in the pending litigation and balancing the convenience/inconvenience of the parties, the transfer application is allowed and the petition under Section 13 (ia) and (ib) of the Hindu Marriage Act i.e. HMA/237/2024, titled '*Kiran Pal v/s Bhawana Kumari*', filed by the respondent-husband, stands transferred from the Family Court, Derabassi, to Family Court (Camp Court) Mukerian, District Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Derabassi, to the District and Sessions Judge, Hoshiarpur.

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

16.02.2026
Sonu Saini

(ARCHANA PURI)
JUDGE

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