



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

Sr. No.161

TA-1197-2025

Date of Decision: 29.01.2026

ANJANA BALA

....Applicant

Versus

PARVEEN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Geeteshwar Saini, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 22.12.2025.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/215/2025, titled '*Parveen Kumar Vs. Anjana Bala*', filed by the respondent-husband, pending in the Family Court, Pathankot and she seeks transfer of the same to the Court of competent jurisdiction at Gurdaspur.

Upon notice issued, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.

Counsel for the applicant 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 27.04.2020. One son was born from the said wedlock on 25.01.2021 and he is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Under the compelling circumstances, the applicant together with her son, is residing in a rented accommodation. The child is studying at Little Flower Convent School, Dinanagar.

Also, it is submitted that the applicant is working as a 'Teacher' in Sardar Beant Singh University, Gurdaspur, on lecture basis and is earning Rs.15,000/- per month, depending upon the number of lectures delivered. Apart from it, she has no source of earning. On the other hand, respondent is working in Punjab State Power Corporation Limited, as 'Lineman' and is having a salary of Rs.65,000/- per month. Furthermore, it has been submitted that the applicant had filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Gurdaspur. The distance between the place of residence of the applicant and Pathankot, is stated to be about 44 kms.

Considering 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. There are several factors, which need to be taken into



consideration, such like, the educational qualification of the spouse; their source of livelihood; if any child is born from the estranged marriage, which spouse is taking care of the said child; the means of said spouse to raise the child; the distance between the two places; extent of other litigation pending between the parties, so on and so forth. Considering these various circumstances, the Court ought to make balancing of the convenience/inconvenience of the parties and then pass an appropriate order on the transfer application.

In the case in hand, the most weighing factor is about the child, who is 5 years old, to be residing with the applicant. He is studying in Little Flower Convent School, Dinanagar, where the applicant is residing with her son. The litigation, which is sought to be transferred, is pending at Pathankot. Though, the distance between the two places, is stated to be about 44 kms., but however, it is 25-30 kms only. Very true, the distance is one factor, which ought to be taken into consideration, to make assessment of the convenience/inconvenience of the parties, but however, it is not the sole reason. As observed aforesaid, one cannot lose sight of the fact that the minor child, who is 5 years old, is in the care and custody of the applicant.

In view of the aforesaid fact situation and considering the fact of another litigation, arising from the broken marriage, to be already pending in the Courts at Gurdaspur and above it, taking into consideration the fact of the respondent being financially more sound and secure than the applicant and also having not come forward to resist the application, the transfer application is allowed and the petition under Section 9 of the Hindu



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Marriage Act i.e. HMA/215/2025, titled ‘*Parveen Kumar Vs. Anjana Bala*’, filed by the respondent-husband, stands transferred from the Family Court, Pathankot, to the Court of competent jurisdiction at Gurdaspur. The requisite record of the aforesaid case be sent by the Family Court, Pathankot, to the District and Sessions Judge, Gurdaspur.

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

29.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No