



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

Sr. No.124

TA-1563-2025

Date of Decision: 05.02.2026

ISHITA GARG

....Applicant

Versus

ASHISH KANSAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Applicant-in-person, along with
Mr. Anurag Chopra, Advocate.

Manjit Kansal, attorney-holder of the respondent, along with
Mr. Ranjit Saini, Advocate.

ARCHANA PURI, J. (Oral)

Taken up in the post-lunch session.

In the pre-lunch session, the matter was referred to Mediation and Conciliation Centre. Mediation report has been received. As per the same, the matter remained unsettled.

In the given circumstances, this Court proceeds to hear the arguments.

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/309/2024, titled '*Ashish Kansal Vs. Ishita*', filed by the respondent-husband, pending in the Family Court, Moga and she seeks transfer of the same to the Court of competent jurisdiction at Kapurthala.



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 09.03.2023. Unfortunately, matrimonial dispute arose between the parties, as a result whereof, they are residing separate. The respondent/husband is working at Singapore, as 'Senior Business Analyst' at AIA, Singapore. The divorce petition, copy whereof is Annexure P-1, has been filed by the respondent, through attorney-holder i.e. his father.

Also, it is submitted that the applicant is not having any source of earning, as she is not working, though, she has bachelor's degree in Architecture and master's degree in Urban Planning. Further, it is submitted that earlier, the applicant was employed as 'Assistant Professor' at C.T. Group of Institutions, from 01.07.2024, till the first week of September, 2024. However, on account of several health issues, she was compelled to resign from her job and now, she is not doing any job. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Kapurthala and the respondent is pursuing the same, through attorney, his father. The distance between the two places is stated to be 83 kms.

Furthermore, it is submitted by the counsel for the applicant that earlier also, panchayati compromise was reached between the parties, copy whereof is Annexure P-2. However, it is submitted that even though, the applicant and her maternal uncle are signatory to the said panchayati compromise, but however, the same was under constrained circumstances



that the applicant had agreed for settlement, for an amount of Rs.11,00,000/-, as the respondent side, otherwise was not inclined to return back the gold articles. However, now it is submitted that the gold articles have since been returned by the respondent to the applicant. Even, an amount of Rs.11,00,000/-, was received by the applicant. However, considering the constrained circumstances, under which the applicant was required to append signatures, it is submitted that the aforesaid panchayati compromise, was not executed with free will of the applicant. As such, it could not be fructified further and no petition under Section 13-B of the Hindu Marriage Act was filed. In fact, it is submitted that the respondent is financially affluent person, as he is working in Singapore. Therefore, the amount agreed, as reflected in panchayati compromise, is too less an amount, considering the expenditure incurred by the parents of the applicant, on her marriage ceremonies, which was to the extent of Rs.1.25 crore.

On the other hand, counsel for the respondent has resisted the claim for transfer of the divorce petition. In fact, it is submitted that the applicant, after obtaining the settled amount of Rs.11,00,000/- and return of gold ornaments to her, backed out from the compromise and is now fraudulently stating about the panchayati compromise, to have been got signed by her, under the constrained circumstances. Also, it is submitted that the applicant is a qualified Architect and is a well-educated professional and confident woman. Therefore, it should not be difficult for her to commute a distance of about 83 kms., to pursue the divorce petition.

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. Though, generally the Courts lean towards convenience of the wife, while considering such applications, but 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 and then some balancing of convenience/inconvenience of the parties, is required to be done.

In the case in hand, though, it is submitted that the panchayati compromise, copy whereof is Annexure P-2, had earlier been effected between the parties and it bears the signatures of the applicant, which fact has also been stated by the applicant in the application itself, but however, whether it was under the constrained circumstances, that her signatures were obtained, or not, this is the matter, which need not be adjudicated by this Court, while dealing with the transfer application. This Court is intentionally keeping a restraint to give any observation, with regard to genuineness of the panchayati compromise, so effected between the parties. However, the fact remains that the applicant had received an amount of Rs.11,00,000/-, on account of compromise being effected and also the gold ornaments have been returned. Till date, neither the applicant had chosen to assail this panchayati compromise, nor the respondent had sought return of the amount, as well as the articles, which were returned back, on the basis of the panchayati compromise. This fact can be taken into consideration by the Court, where the divorce petition is pending.

Besides the aforesaid, it be noted that there is a maintenance petition, which is pending in the Courts at Kapurthala and the respondent, through his father, who is his attorney-holder, is pursuing the said petition.



Even though, the applicant is a well-educated and qualified lady, but at present, she is not working, as it is submitted that she was constrained to leave her job, on account of health issues. May be so. At present, the applicant is not having any source of earning.

In view of the aforesaid fact situation and taking into consideration the fact that other litigation, is already pending in the Courts at Kapurthala, which is being pursued by the attorney-holder of the respondent, more particularly, when the respondent himself is residing at Singapore, it is appropriate to accept the application, without adjudicating on the merits of the panchayati compromise, copy whereof is Annexure P-2. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/309/2024, titled '*Ashish Kansal Vs. Ishita*', filed by the respondent-husband, stands transferred from the Family Court, Moga, to the Court of competent jurisdiction at Kapurthala. The requisite record of the aforesaid case be sent by the Family Court, Moga, to the District and Sessions Judge, Kapurthala.

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

05.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No