



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

Sr. No.104

**TA-680-2023 (O&M)
Date of Decision: 24.03.2025**

REKHA RANI

....Applicant

Versus

BALWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Gagandeep Kaur, Advocate
for the applicant.

Mr. Harvinder Singh Mann, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-5856-CII-2025

The present application has been filed by the respondent, for placing on record the reply to the transfer application

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

Main case

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/107/2023, titled '*Balwinder Singh Vs. Rekha Rani*', filed by the respondent-husband, pending in the Family Court, Mansa and she seeks transfer of the same to the Court of competent jurisdiction at Dhuri, District Sangrur.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.



TA-680-2023 (O&M)

Learned 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 02.04.2017 and there is no child born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant is working as a Teacher in the School at Dhuri and it is submitted that it shall be inconvenient for her to pursue the divorce petition, at a place, which is at a distance of about 75 kilometres from the place of her residence. Also, it is submitted that the applicant has to take care of her bed-ridden mother.

On the contrary, the counsel for the respondent refuted the claim for transfer of the divorce petition, as he submits that in fact, the applicant is not interested to rehabilitate herself. Also, he submits that considering there to be no child born from the said wedlock, the mere inconvenience to travel the distance of about 75 kilometres, is no reason to accept the transfer application.

In view of the submissions aforesaid, it is pertinent to mention that even though, generally the Courts consider the convenience of the wife, in case of transfer applications relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances spelt out, also have to be taken into consideration. In the case in hand, there is no child born from the wedlock of the parties and there is also no other litigation pending between the parties. Even though, the counsel for the applicant submitted that there is bed-ridden mother to be taken care of by the applicant, but however, it is a general assertion made in the application and no medical record, as such, has been placed on record.



TA-680-2023 (O&M)

The applicant is a teacher in the School at Dhuri. Considering her educational input and the job pursued by her and more particularly, considering about there to be no child to be taken care of by the applicant, no case is made out to allow the transfer application.

Hence, the transfer application is hereby dismissed.

Anyhow, the applicant has an option to file an application before the Family Court, thereby making a request to make appearance through video conferencing, as and when required. Upon filing of such application, learned Family Court shall consider the same and pass an appropriate order.

Pending civil miscellaneous application also stands disposed of.

24.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No