



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

Sr. No.104

TA-1315-2023

Date of Decision: 03.09.2025

MAMTA RANI

....Applicant

Versus

ABISHEK SINGLA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sunny K. Singla, Advocate
for the applicant.

Ms. Loveleen Nanda, 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, 1955 i.e. case titled '*Abhishek Singla Vs. Mamta Rani*', filed by respondent-husband, pending in the Courts at Principal Judge, Family Court, Kharar and she seeks transfer of the same to the Court of competent jurisdiction at Talwandi Sabo, District Bathinda.

In pursuance of notice issued, 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, had taken place on 21.06.2010, and one son born from the said wedlock, who is about 10-years old, is in the care and custody of the applicant. Further, on account of



matrimonial dispute, the parties are residing separate. It is submitted that the applicant is working as teacher in Government Senior Secondary School, Tira, District Mohali, Punjab, which falls within the jurisdiction of Kharar. Also, it is submitted that the applicant is residing at Sunny Enclave, District Kharar along with the minor child. Since, the other three litigations are pending in the Courts at Bathinda, it is difficult for her to go alone to the Courts at Kharar and contest the litigation.

On the other hand, the counsel for respondent refuted the claim for the transfer of the divorce petition. In fact, it is submitted that the litigation is pending in Kharar, where the applicant is herself staying and that she is a well-educated lady, who is employed as teacher and therefore, she should not be facing any difficulty in pursuing the litigation pending in the Kharar Courts only.

In view of the rival submissions aforesaid, it is pertinent to mention that though the Courts, generally lean towards the convenience of the wife, while considering transfer application, relating to the matrimonial dispute, but however, the same is not thumb rule and various other circumstances, as such coming forth, also have to be taken into consideration. Admittedly, the case in hand, the applicant is residing in Sunny Enclave, Tehsil Kharar and the divorce petition is also pending in the Courts at Kharar. The minor child born from the wedlock is also in the custody of the applicant.

The weighing factor is about the employment of the applicant as teacher in the Government Senior Secondary School, Tira, District Mohali, which falls within the jurisdiction of Kharar. Such being the convenient circumstance, already existing to pursue the litigation, it is not expected



about the applicant to be having any inconvenience, which calls for the transfer of the case to Bathinda. The malafide intention working behind the mind of the applicant is writ large, only with the purpose to harass the respondent, who is also residing in Kharar.

Though, it is also submitted that the other three litigations i.e. petition under Section 125 Cr.P.C., D.V. Act as well as FIR case, are already pending in the Courts at Bathinda, but however, this matters not much, as the parameters to be taken into consideration, while adjudicating the divorce petition are not such, which ought to be considered along with other litigation, already pending in the Courts at Bathinda. Considering all the aforesaid circumstances, more particularly, the applicant, being a teacher and a well-educated woman, no such inconvenience is to be caused to the applicant, while she pursues the litigation in Kharar. Hence, the application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 i.e. case titled '*Abhishek Singla Vs. Mamta Rani*', filed by respondent-husband, pending in the Courts at Principal Judge, Family Court, Kharar is hereby dismissed.

03.09.2025
parul verma

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No