



TA-1587-2023

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

Sr. No.103

TA-1587-2023

Date of Decision: 26.05.2025

SEEMA DEVI

....Applicant

Versus

JASPAL SINGH

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Gagandeep Kaur, Legal Aid Counsel
for the applicant.

Mr. Nitin Sharma, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

At the very outset, it is submitted by the counsel for the applicant that, in consonance with the direction given, in the order dated 21.03.2025, the applicant had joined the proceedings before learned Family court, but however, the order has yet not been uploaded.

The counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e.



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HMA/71/2023, titled '*Jaspal Singh Vs. Seema Devi*', filed by the respondent-husband, pending in the Family Court (Camp Court) Bholath, District Kapurthala and she seeks transfer of the same to the Court of competent jurisdiction at Dasuya, District Hoshiarpur.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 20.01.2022, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. It is submitted that the distance between the two places is about 42 kilometres. The applicant is not employed and she is dependent upon her parental family. Even, the applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/1820/2023, which is pending in the Courts at Bholath, wherein the respondent has already made appearance.

On the other hand, the counsel for the respondent submits that the distance between the two places, is not such, which calls for the Court to accept the transfer application. Moreover, the applicant had already joined the proceedings before the Courts at Bholath.

In view of the rival submissions, it is pertinent to mention that, even though, generally, the Courts lean towards convenience of the wife, in case of transfer applications, relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances, coming forth from the material brought on record, ought to be taken into consideration. In the case in hand, the applicant is seeking transfer of the divorce petition, on account of the distance between the two places. However, the distance



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between the two places is not such, which impels this Court to accept the transfer application, more particularly, when both the stations, where the divorce petition is pending and where it is sought to be transferred, have well-connected means of communication.

On query by the Court, it is disclosed by the counsel for the applicant that the applicant had studied up to 10+2 class.

In view of the aforesaid fact situation and considering the well-connected rail and road connectivity between the two places, no case is made out for acceptance of the transfer application. Hence, the same is hereby dismissed.

26.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No