



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

Sr. No.117

TA-297-2024

Date of Decision: 06.02.2025

AMANDEEP KAUR

....Applicant

Versus

SWARANJEET SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Applicant-in-person, along with
Mr. Abhishek Singh, Advocate.

Mr. Amaninder Singh Sekhon, Advocate
for respondent No.1 (sole contesting 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, titled '*Swaranjeet Singh Vs. Amandeep Kaur and another*', filed by the respondent-husband, pending in the Family Court, Faridkot and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.

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

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 20.10.2018, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. As a consequence of the matrimonial dispute, the applicant has got lodged an FIR bearing No.159 dated 14.11.2019, under Sections 406 and 498-A IPC, at Women Police



TA-297-2024

Station, Panchkula and the challan has been presented. The respondent is facing trial in the said case in the Courts at Panchkula. Besides the same, the applicant has also filed the petition under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act i.e. COMA/69/2020, which is also pending in the Courts at Panchkula and the respondent is making appearance in the same. Also, she has got lodged a complaint under Sections 494, 498 A, 506 IPC, read with Sections 34, 109, 114, 120-B IPC and the same is also pending at Panchkula, which is still at the initial stage. However, the counsel for the applicant submits that the applicant is working as a Constable in Crime Branch, Panchkula and thus, it is difficult for her to commute a distance of about 250 kilometres, to defend the divorce petition.

However, the counsel for the respondent, while making reference to the reply, submitted that the present application has been filed, only to cause harassment to the respondent. Moreover, it is submitted that the distance of Faridkot from Panchkula, as claimed by the applicant, is 250 kilometres and thus, it will be inconvenient for the respondent also to pursue the divorce petition, if so transferred. Also, it is submitted that the applicant wants the divorce petition to be transferred to the place, where she is posted and she is bound to wield her influence there.

Considering the aforesaid factual position and also taking into consideration the preference being given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, but at the same time, also taking into consideration the distance between Faridkot and Panchkula to be about 250 kilometres, as asserted in the application, it shall be harsh for the respondent also, if the divorce petition is transferred to



TA-297-2024

Panchkula, more particularly, when the applicant is posted there. It has been suggested by the Court to both the sides that the divorce petition can be transferred to any mid-point station, to which both the counsel have readily agreed. The applicant, who is present in person, has also readily accepted the said offer.

Considering the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act, titled '*Swaranjeet Singh Vs. Amandeep Kaur and another*', filed by the respondent-husband, stands transferred from the Family Court, Faridkot, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Faridkot, to the District and Sessions Judge, Ludhiana.

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

06.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No