



TA-392-2024

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

**Sr. No.103**

**TA-392-2024**

**Date of Decision: 28.05.2025**

**SARABJIT KAUR**

**...Applicant**

**Versus**

**VARINDER SINGH @ VARINDER SINGH MULTANI**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Manish Bhoria, Advocate for  
Mr. Kanhiya Soni,  
for the applicant.

Mr. Akhil Dadwal, Advocate  
for the respondent.

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**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 i.e. HMA/221/2023, titled '*Varinder Singh @ Varinder Singh Multani Vs. Sarabjit Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Mukerian, District Hoshiarpur and she seeks transfer of



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the same to the Court of competent jurisdiction at Derabassi, District SAS Nagar.

Upon notice, the respondent made appearance through counsel and filed reply.

The 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 24.02.2019, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning. She is dependent upon her brothers, who are indulging in labour work. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 480 kilometres, to and fro, from the place of her residence, to defend the divorce petition.

On the other hand, the counsel for the respondent submits that the respondent is residing abroad. He has executed Special Power of Attorney, in favour of his mother-Surjit Kaur, who pursues the divorce petition and therefore, it shall be difficult for his mother also, in case the divorce petition is transferred.

In view of the rival submissions aforesaid, it is pertinent to mention that even though, the counsel for the respondent is residing abroad, but there is no mention made, with regard to this assertion in the reply. Also, in the divorce petition, copy whereof is Annexure P-1, there is no mention

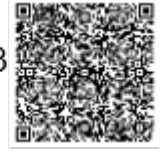


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made about the respondent to be residing abroad, though, it is stated about the petition to have been filed through Surjit Kaur, wife of Jagir Singh.

In the light of the aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while dealing with the transfer applications relating to the matrimonial disputes, though, it is not a thumb rule. However, various circumstances coming forth from the material brought on record, ought to be taken into consideration. In the case in hand, the applicant is not having any source of earning and she is totally dependent upon her brothers, who are indulging in labour work. Besides the same, the distance between the two places is a material factor, which is about 240 kilometres on one side. In view of the same, it shall be inconvenient for the applicant, to defend the divorce petition. So far as the assertion of the respondent residing abroad is concerned, as observed aforesaid, there is nothing on record to prove the factum of his residing abroad. No address of his staying abroad has been mentioned even in the divorce petition.

In view of the aforesaid fact situation, even though, the divorce petition has been filed by the respondent through attorney-holder, who is his mother, but however, when the applicant is not having any source of earning, it is just and expedient to accept the application. Hence, the transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/221/2023, titled '*Varinder Singh @ Varinder Singh Multani Vs. Sarabjit Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Mukerian, District



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Hoshiarpur, to the Court of competent jurisdiction at Derabassi, District SAS Nagar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Mukerian, to the District and Sessions Judge, SAS Nagar.

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

**28.05.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No