



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

Sr. No.102

TA-1000-2023

Date of Decision: 08.05.2025

BALPREET KAUR

....Applicant

Versus

DALJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr.Balraj Singh, Advocate
for the applicant.

Mr. Lovepreet Handa, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-6553-CII-2025

The present application has been filed for placing on record the affidavits as Anneuxres P-3 and P-4.

Keeping in view the averments made in the application, same is allowed and the requisite affidavits are 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/215/2023 titled "*Daljit Singh v/s Balpreet Kaur*", filed by the respondent/husband, which is pending in the Family Court, Ludhiana and she seeks transfer of the same to the court of competent jurisdiction at Bathinda.

Upon notice, the respondent made appearance through counsel and filed the 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 was solemnized on 06.12.2020, but no child was born from the said wedlock. However, on account of matrimonial dispute, the parties are residing separate. The applicant is staying with her aged parents. As such, it is submitted that it is difficult for her to commute a distance of about 150 kms, to defend the divorce petition.

On the contrary, counsel for the respondent while making reference to the reply, has submitted that the applicant is permanent resident of Village Langeana Khurd, District Moga and the copy of Aadhar Card, which has been placed on record, also mentions about the same. It is further submitted that the applicant with her malafide intention has filed the application for transfer the divorce petition to Bathinda. It is also submitted that there is no mitigating circumstances, in favour of the applicant, as there is no child born from the said wedlock and the Moga is at a distance of about 55 kms only, which is not difficult for her to commute, more particularly, when her presence is not required on each and every date of hearing.

In view of the contents of the reply, counsel for the applicant had also placed on record her affidavit, thereby stating that she had shifted to Bathinda. Furthermore, she had placed on record the affidavit of one Vakeel Singh @ Nati Baba, relating to whom, it is submitted that the applicant is living as tenant in his house. However, there is no such material coming forth, to establish as to when the inception of tenancy had taken place and on the basis of which document, it came into existence.

In the given circumstances, the affidavits do not go in favour of the applicant, more particularly, while considering the contents of the copy



of Aadhar Card placed on record, which establish her to be resident of Moga. In the application, the applicant has also not stated as to whether she is working or not and having any source of earning. On query by the court, counsel for the applicant is unable to state about the educational qualification of the applicant. There was no child born from the wedlock of the parties. Even though, generally the courts lean towards the convenience of wife in case of transfer applications, relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances coming forth, ought to be taken into consideration. The applicant has not been able to satisfy the court, about her now living at Bathinda. Moga is at a distance of about 55 kms, which has well connected means of communication with Ludhiana.

Considering the same and also taking into consideration the litigation to be of civil nature, which do not call for the physical presence of the applicant, on each and every date of hearing, no case is made out for allowing the transfer application.

Hence, the transfer application is hereby dismissed.

However, the applicant always has an option to file an application, for seeking permission to make appearance before the Court concerned, through virtual mode and the Court concerned shall pass an appropriate order, in the fitness of circumstances, considering the need of the personal appearance of the applicant.

08.05.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No