



TA-516-2024

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

Sr. No.111

TA-516-2024
Date of Decision: 13.05.2025

RUBEL

...Applicant

Versus

MANKIRAT SINGH UPPAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rajesh Bhatheja, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Reply has though been filed at the instance of the respondent, but however, none is present on behalf of the respondent today. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/266/2024, titled '*Mankirat Singh Uppal Vs. Rubel*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks



TA-516-2024

transfer of the same to the Court of competent jurisdiction at Moga.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 08.12.2013, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant had filed the divorce petition, which is pending in the Courts at Moga and the respondent is making appearance in the same. Also, she had filed the petition under Section 125 Cr.P.C., which is also pending in the Courts at Moga.

On query by the Court, it is disclosed that even though, the petition under Section 125 Cr.P.C. was pending, at the time of filing of the transfer application, but this fact was not mentioned in the same.

Further, it is also submitted that the applicant is working as a Teacher at Moga. As such, it is submitted that it is difficult for her to commute a distance of about 70 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that though, the applicant had stated about herself to be working as a Teacher in the application, but no further details were mentioned in this regard. Vide order dated 29.01.2025, both the parties were directed to file detailed affidavits, with regard to the vocation followed by them and the extent of earning in their hands. In compliance of the said order, affidavit was filed, which was taken on record vide order dated 01.04.2025. Therein, it is stated that the applicant is working as a TGT Teacher in Cambridge International School at Moga and drawing a salary of Rs.13,500/- per month.



TA-516-2024

At this stage, it is further pertinent to mention that 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, being spelt out from the material brought on record, also ought to be taken into consideration. The distance between the two places is one factor, which has to be considered. However, in the case in hand, apart from the distance of 70 kilometres, as emphasized by the counsel for the applicant, there is no other mitigating circumstance, in favour of the applicant. There is no child born from the said wedlock. Considering the same and also taking into consideration the fact of the applicant being a TGT Teacher, it is quite obvious that she is well-educated and confident woman.

In view of the aforesaid fact situation and also considering the well-connected transport system between the two places, no case is made out for allowing the application. Hence, the same is hereby dismissed.

13.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No