



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

Sr. No.108

**TA-1257-2024
Date of Decision: 25.08.2025**

GURWINDER KAUR

....Applicant

Versus

NAVJOT SINGH MUKKAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vipin Kumar Sharma, Advocate
for the applicant.

Mr. Sahil Nain, Advocate for
Mr. Sandeep Kumar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 12 of the Hindu Marriage Act i.e. HMA/2276/2023, titled '*Navjot Singh Mukkar Vs. Gurwinder Kaur*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Phillaur, District Jalandhar.

Upon notice, the respondent made appearance through counsel and filed 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 to the lis, had taken place on 07.12.2021. However, it was second marriage of the applicant and there was no child born from the said wedlock. The applicant is not having any source of earning. In the given circumstances, it is submitted that it is difficult for her, to commute a distance of about 40 kilometres, to defend the petition under Section 12 of the Hindu Marriage Act. Furthermore, it is submitted that the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/11/2024, as well as the civil suit for seeking damages i.e. CS/346/2024, filed by the applicant, are pending in the Courts at Phillaur.

On the other hand, the counsel for the respondent submits that the distance between the two places is not such, which causes inconvenience to the applicant, to pursue the litigation at Ludhiana.

In view of the submissions aforesaid, it is pertinent to mention that even though, generally the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration, while adjudicating on the transfer application. In the case in hand, no doubt, the applicant is stating that she is not earning, but may it be so. Other circumstances are also to be considered. Though, the distance between the two places, where the litigation is pending and where it is sought to be transferred, is stated to be about 40 kilometres, but however,



wrong mention of the same has been made. The distance between the two stations is only 16 kilometres and the road is well-connected. As such, no transportation difficulty, as such, would be faced by the applicant. In the given circumstances, there is no inconvenience (if any), to such an extent, which calls for acceptance of the application.

Hence, the transfer application is hereby dismissed.

25.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No