



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

108

TA-1160-2024(O&M)

Date of Decision: October 13, 2025

Manpreet Kaur

...Applicant

Versus

Lovkesh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Navjit Singh, Advocate
for the applicant.

Ms.Sunita Saini, Advocate
for the respondent.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-911-2023, titled 'Lovkesh vs. Manpreet Kaur', pending in the Family Court, Kurukshetra and she seeks transfer of the same to the Court of competent jurisdiction at Ambala.

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

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that the marriage between the parties to the lis had taken place on

11.11.2021 and one son born from the said wedlock, is in the care and custody of the applicant. However, on account of matrimonial discord, the parties are residing separate. The applicant is not having any source of earning and is dependent upon her parental family. The applicant had already filed petition under Section 125 Cr.P.C., for seeking maintenance i.e. MNT-331-2022, which is pending in the Courts at Ambala and the respondent is making appearance in the same.

Even, the interim maintenance was fixed, but however, the respondent did not make the payment of arrears of maintenance, as a result whereof, he was sent behind the bars. Besides the same, the respondent is also facing trial, relating to FIR No.0087 dated 02.05.2022 under Sections 313, 323 and 498-A IPC, Police Station Naggal, District Ambala, got registered at the instance of the applicant.

In the given circumstances, while the applicant is taking care of the minor child, it is submitted that it is difficult for her to commute a distance of 50 kms. to defend the divorce petition.

On the other hand, learned counsel for the respondent submits that the transfer application has been filed, only with the sole purpose to cause harassment to the respondent, who is 75% disabled. In this regard, counsel has drawn the attention of the Court to the disability certificate, which is placed on record as Annexure R-4, which reveals about the respondent to be having 'intellectual disability'. Besides the same, counsel for the respondent submits that unique disability identity card has also been issued to the respondent under the signatures of Civil Surgeon, Kuruskhetra, which is Annexure R-3. The prescription slip has also been placed on

record as Annexure R-1.

In the given circumstances, it is submitted that it is difficult for the respondent to pursue the divorce petition, if so transferred.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application, relating to the matrimonial dispute, though, it may not be a thumb rule. Various other circumstances, as such, also ought to be taken into consideration. In the case in hand, as evident from Annexure R-4, the respondent is a case of intellectual disability and he is stated to be 75% disabled, in relation to his Brain. Even, Unique Disability Identity card has also been issued to the respondent.

It may be so. Of course, this circumstance of medical ailment suffered by the respondent, ought to be taken into consideration, but simultaneously, various constrained circumstances faced by the applicant, also have to be taken into consideration. There is one son born from the said wedlock, who is about 2 years old. He is in the care and custody of the applicant, who herself, is not having any source of earning. Even, the respondent is facing trial, which is pending in the Courts at Ambala.

On query, it is also disclosed by counsel for the respondent that the respondent is making appearance as an accused in the criminal case, on each and every date of hearing, before the Courts at Ambala.

Considering the aforesaid fact situation and also taking into consideration the constrained circumstances faced by the applicant, more particularly, when no transfer application, relating to the criminal case, as such, has been filed by the respondent, the present transfer application, as

such, is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-911-2023, titled 'Lovkesh vs. Manpreet Kaur', stands transferred from the Family Court, Kurukshetra, to the Court of competent jurisdiction at Ambala. The requisite record of the aforesaid case be sent by the Family Court, Kurukshetra to the District and Sessions Judge, Ambala.

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

However, doing some balancing of convenience/inconvenience of both the parties and taking into consideration the criminal case already pending at Ambala, the concerned District Judge is hereby requested to transfer both the cases in one Court and the Court concerned, shall make an endeavour to adjourn and hear both the cases, preferably on one and the same date.

October 13, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No