



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

Sr. No.114

TA-956-2024

Date of Decision: 10.03.2025

BRINDERJIT KAUR

....Applicant

Versus

VIJAY DAGAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kashav Chadha, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The present application has been filed by the applicant-wife, thereby seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/156/2024, titled '*Vijay Dagar Vs. Brinderjit Kaur*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

As observed in the order dated 18.12.2024, the respondent did not make appearance on that date, despite service. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 29.10.2010. Two children were born from the said wedlock; one son, who is aged about 13 years and one daughter, who is aged about 11 years. The son is in the care and



TA-956-2024

custody of the respondent-husband, whereas the daughter is residing with the applicant-wife. On account of the matrimonial discord, the parties are residing separate. Besides the divorce petition, filed by the respondent, even the applicant has filed the petition under Section 125 Cr.P.C. and the petition under the Protection of Women from Domestic Violence Act, which are pending in Courts at Jalandhar. Even, she has got lodged an FIR bearing No.01 dated 02.01.2024, under Sections 323, 341 and 506 IPC, at Police Station Rama Mandi, District Police Commissionerate, Jalandhar, which is pending investigation, in Jalandhar only. Furthermore, it is submitted that the applicant is not having any substantial source of income and the distance between Jalandhar and Rohtak is about 325 kilometres. As such, a prayer is made for acceptance of the transfer application.

In view of the submissions aforesaid and particularly, while noting down the contents of paragraph No.10 of the application, a query was put by the Court, about the applicant to be having any source of earning or not and as to why, word 'substantial' has been mentioned. In this regard, the counsel for the applicant submitted that earlier, the applicant was working, but however, no detail about the same has been given in this paragraph, with regard to the kind of job earlier done and also the reason for discontinuation of the same. Considering this material omission, furthermore, it is pertinent to pinpoint that the distance between Rohtak and Jalandhar is about 325 kilometres. No doubt, the Courts take into consideration the inconvenience caused to the wife, while dealing with the transfer applications relating to the matrimonial dispute, but however, the distance of place, where the petition, with regard to the matrimonial dispute, is pending and the place where it is sought to be transferred, ought to be taken into



consideration, but, at the same time, various other circumstances spelt out, are also required to be taken into consideration.

Considering the same, balancing of convenience/inconvenience of the parties ought to be done. The distance of 325 kilometres is too long and the same shall be causing harassment to either side, whether the application is accepted or denied. In the light of the same and keeping in view the grave omission, as made by the applicant, with regard to her doing job or not, it is just and expedient, if the divorce petition is transferred, somewhere at the mid-point station i.e. in the Courts at Panchkula.

In view of the aforesaid fact situation, the transfer application is partly allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/156/2024, titled '*Vijay Dagar Vs. Brinderjit Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Panchkula. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Panchkula.

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

10.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No