



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

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**TA-630-2024(O&M)
Date of Decision: October 08, 2025**

Prem Lata

...Applicant

Versus

Lalit Kumar

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ramneek Vasudeva, Advocate
for the applicant (through Video conferencing).

Mr.Ankur Malik, Advocate
for the respondent.

ARCHANA PURI, J.

Applicant-Prem Lata has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-Lalit Kumar, bearing No.HMA-130-2024, titled 'Lalit Kumar vs. Prem Lata', pending in the Family Court, Pathankot and she seeks transfer of the same to the Court of competent jurisdiction at Rupnagar.

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 25.02.2008. One daughter born from the said wedlock on 23.01.2009, who is studying in 10th class, is in the care and custody of the applicant. Even since the beginning, there was matrimonial dispute between the parties, on account of which, both the applicant and her daughter, are residing at parental place of the applicant i.e. Rupnagar. It is further submitted that the applicant is not having any source of earning and is dependent upon her parental family.

In fact, it submitted by counsel for the applicant that at the initial stage, the respondent had filed petition under Section 13 of the Hindu Marriage Act at Pathankot and thereupon, the applicant had filed a transfer application i.e. TA-363-2016, seeking transfer of the said divorce petition. However, during the pendency of the said transfer application, a compromise was effected through mediator and it was reduced into writing on 21.11.2016, copy whereof is Annexure P-3. On the basis of the said compromise, the transfer application was dismissed as withdrawn vide order dated 16.01.2017, copy whereof is Annexure P-4.

Further, it is submitted by counsel for the applicant that the aforesaid compromise was effected, solely, to counter the transfer application and the compromise, as such, never fructified, as a result whereof, the parties again started residing separate. Thereupon, the applicant had filed TA-401-2017 for seeking transfer of the divorce petition from Pathankot to Rupnagar, which was allowed vide order dated 30.05.2017, copy whereof is Annexure P-5 and the divorce petition stood transferred to Rupnagar. However, the case was taken by the concerned Court, Rupnagar, time and again but the

respondent did not make appearance and ultimately, the divorce petition was dismissed for want of prosecution, vide order dated 10.01.2019, copy whereof is Annexure P-7.

Further, it is submitted that again divorce petition i.e. HMA-331-2019, titled as 'Lalit Kumar vs. Prem Lata' was filed, at the behest of the respondent at Pathankot and again, the applicant had filed TA-879-2019, which was again decided in her favour, vide order dated 03.03.2020, copy whereof is Annexure P-8. However, counsel for the applicant submits that even though, the divorce petition was transferred, but the respondent did not pursue further and the same was dismissed in default. It was subsequently, the third divorce petition, which has been filed by the respondent, the transfer whereof, is sought by the applicant.

Also further, counsel for the applicant submits that the applicant is not having any source of earning. Considering the same, it is difficult for her to commute a distance of about 200 kms. to defend the divorce petition, more particularly, while taking care of the teenage daughter.

On the other hand, learned counsel for the respondent, though, did not dispute about the factual position, as stated aforesaid, with regard to filing of three divorce petitions and the status of the same, but however, he submits that the applicant is a working woman. Moreover, it is submitted that in fact, the compromise earlier reached between the parties, with the help of the mediator, was not honoured by the applicant and therefore, she should not be given any benefit of transfer of the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of the wife, while

considering the transfer application, relating to the matrimonial dispute, though, it is not a thumb rule. However, each case has to be adjudicated on its own factual background. Even though, counsel for the respondent submits that the applicant is working, but no detail, as such, has been dilated, about the kind of work the applicant is doing and also about the extent of her earnings.

Though, compromise is alleged to have been effected between the parties, the fact whereof, has also been disclosed in the application and the copy of the settlement, has also been placed on record as Annexure P-3, but however, as now submitted by counsel for the respondent, this Court is not to adjudicate on the question of fault, on the part of the applicant, in not honouring the compromise. This can only be considered by the trial Court, while adjudicating on the petition under Section 13 of the Hindu Marriage Act.

However, the transfer application is to be considered with the purpose to give fair trial to the parties concerned to defend the litigation in the proper manner, while considering the circumstances of the parties concerned. In the case in hand, the applicant is not having any source of earning. Moreover, she is taking care of grown-up daughter, which in itself, is a weighing factor. The prime consideration is to watch the best interest of the grown-up girl child.

Considering all the aforesaid circumstances, it is just and expedient to accept the transfer application. As such, the present transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-Lalit Kumar, bearing No.HMA-130-

2024, titled 'Lalit Kumar vs. Prem Lata', stands transferred from the Family Court, Pathankot, to the Court of competent jurisdiction at District Rupnagar. The requisite record of the aforesaid case be sent by the Family Court, Pathankot to the District and Sessions Judge, Rupnagar.

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

October 08, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No