



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

Sr. No.108

TA-888-2024

Date of Decision: 08.07.2025

RAMANDEEP KAUR**....Applicant****Versus****AKSHAY GIRI****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Lupil Gupta and Mr. Rahul, Advocates
for the applicant.

Mr. Shreesh Kakkar, Legal Aid Counsel
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, titled '*Akshay Giri Vs. Ramandeep Kaur*', filed by the respondent-husband, pending in the Family Court, Faridkot and she seeks transfer of the same to the Court of competent jurisdiction at Budhlada, District Mansa.

Upon notice, the respondent made appearance through legal aid counsel and filed reply.

The 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 03.12.2019. One daughter born from the said wedlock, who is presently little less than 5 years old, is in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not working and as such, has no source of



earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 150 kilometres, to defend the divorce petition.

Moreover, it is pointed out that the applicant had filed the petition under Section 125 Cr.P.C., as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Budhlada, at appearance stage. Besides the same, the respondent is facing trial in the Courts at Budhlada, relating to FIR bearing No.87 dated 07.04.2022, under Sections 406 and 498-A IPC, got lodged by the applicant at Police Station City Budhlada, District Mansa. Also, it is pointed out that a false case has also been got registered by the respondent i.e. FIR bearing No.376 dated 18.11.2021, under Sections 451, 323 and 506 IPC, which is pending in the Courts at Faridkot.

On the contrary, the counsel for the respondent has resisted the claim for transfer of the divorce petition. In fact, it is submitted that the applicant along with her parents is facing trial in a criminal case, in the Courts at Faridkot and as such, it should not be difficult for her to pursue the litigation pending in Faridkot.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts give preference to convenience of the wife, in case of transfer applications, relating to the matrimonial disputes. Though, it may not be a thumb rule, but however, various other circumstances, surfaced from the material brought on record, also ought to be taken into consideration and there has to be balancing of the convenience/inconvenience of both the applicant, as well as the respondent. In the case in hand, the daughter born from the wedlock of the parties to the



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lis, is in the care and custody of the applicant, who is also not having any source of earning and is totally dependent upon her parental family. Besides the same, three other cases arising from the matrimonial dispute, are already pending in the Courts at Budhlada.

In view of the aforesaid fact situation and also taking into consideration the distance between the two places to be 150 kilometres, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act, titled '*Akshay Giri Vs. Ramandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Faridkot, to the Court of competent jurisdiction at Budhlada, District Mansa. The requisite record of the aforesaid case be sent by the Family Court, Faridkot, to the District and Sessions Judge, Mansa.

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

08.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No