



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

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**TA-1356-2024(O&M)
Date of Decision: May 23, 2025**

Sandeep Kaur

...Applicant

Versus

Dev Arvind Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Applicant-in-person with
Mr.Jatin Salwan, Advocate.

Respondent-in-person with
Mr.Nikhil Kad, Advocate.

ARCHANA PURI, J.

The 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-169-2023, titled 'Dev Arvind Singh vs. Sandeep Kaur', which is pending in the Family Court, Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Bathinda.

Upon notice issued, the respondent has made appearance through counsel and has filed the reply.

Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the

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applicant that marriage between the parties to the lis, had taken place on 27.07.2001 and two children were born from the said wedlock; son aged about 21 years and daughter aged about 17 years. Both the children are in the care and custody of the applicant. However, on account of matrimonial dispute, the parties are residing separate. Also, it is submitted that the daughter is student of 12th class, whereas, the son is a special child. He is mentally unfit and is not in a position to continue with the studies and only studied upto 4th class. Despite efforts made by the applicant, he is not given admission, even in the special schools.

Also, it is submitted that the applicant is herself not having any source of earnings. In the given circumstances, it is difficult for her to commute a distance of about 110 kms. to defend the divorce petition. The applicant has also filed a petition under Section 12 and 18 of the Protection of Women from Domestic Violence Act, which is already pending in the Courts at Bathinda and the respondent is pursuing the same.

On the other hand, learned counsel for the respondent, while making reference to the reply, has submitted that the distance between the two places is about 99 kms. Even, the respondent is suffering from depression and is a diabetic patient. In this regard, learned counsel has made reference to the test reports Annexures R-1 to R-4, as well as the OPD slips and prescription, which Annexures R-5 and R-6. In the given circumstances, it is submitted that on account of his own health issues, it shall also be difficult for the respondent to pursue the divorce petition, if so transferred, at the behest of the applicant.



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Regarding the medical ailment of the son, this fact has been admitted by the respondent also, who is present in the Court today. He admits about his son to be a special child.

In view of the submissions aforesaid, it is pertinent to mention that generally, the convenience of the wife is taken into consideration, but however, various other circumstances, coming forth, also gains weight, while considering the transfer application, relating to the matrimonial disputes. In the case in hand, there are two children born from the estranged marriage. One son, who is about 21 years old, is a special child. He has studied only upto 4th class and even the applicant, who is present in the Court, had made submission about the child to be not in a position to continue with his further studies and he is not given admission, even in the schools meant for special children. Besides, there is one daughter, who is student of 12th class. The applicant is not having any source of earning. Also, the respondent is pursuing the petition under Sections 12 and 18 of the DV Act, which is pending in the Courts at Bathinda.

So far as, the medical ailment of the respondent is concerned, he has placed on record Annexures R-1 to R-4, which are reports relating to the respondent, showing that he is suffering from diabetes. Also, as per Annexure R-6, the respondent is suffering from anxiety and having some stress. However, he had been advised rest for three days as per Annexure R-5.

Seemingly, this ailment is not permanent and does not, in any case, to such an extent, which debars the respondent from pursuing the

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litigation, initiated at his instance.

Considering the aforesaid circumstances and hardship faced by the applicant, more particularly, on account of grown-up special child, being taken care of by her, the 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-169-2023, titled 'Dev Arvind Singh vs. Sandeep Kaur', stands transferred from the Family Court, Sangrur, to the Court of competent jurisdiction at Bathinda. The requisite record of the aforesaid case be sent by the Family Court, Sangrur to the District and Sessions Judge, Bathinda.

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

May 23, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No