



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

Sr. No.107

TA-126-2024

Date of Decision: 13.05.2025

SEEMA DEVI

....Applicant

Versus

AMRIT PAL LALKA

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. G.S. Verma, Advocate
for the applicant.

Mr. Rajeev Kumar Bagoria, Advocate for
Mr. Davinder Singh Khurana, Advocate
for the respondent.

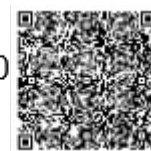
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/186/2023, titled '*Amrit Pal Lalka Vs. Seema Devi*', filed by the respondent-husband, pending in the Family Court (Camp Court) Khanna, District Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Phagwara, District Kapurthala or to any other Court of competent jurisdiction.

Upon notice, the respondent made appearance through 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 16.02.2021. From the said wedlock, one son was born, who at the time of filing of the application was about 9 months old. He is in the care and



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custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. Also, it is pointed out by the counsel that after filing of the application, the applicant had got lodged an FIR bearing No.245 dated 07.11.2024, under Sections 406 and 498-A IPC at Police Station City Phagwara, District Kapurthala, which is pending investigation. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 85 kilometres, to defend the divorce petition.

On query by the Court, it is disclosed by the counsel for the applicant that the applicant is not working and as such, has no source of earning.

On the other hand, the counsel for the respondent, while making reference to the reply filed, has submitted that there was bad conduct, on the part of the applicant and if the transfer application is allowed, it shall be too harsh for the respondent also, to pursue the divorce petition.

In view of the submissions aforesaid and considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is not having any source of earning and is taking care of the child, who is a toddler, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/186/2023, titled '*Amrit Pal Lalka Vs. Seema Devi*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Khanna, District Ludhiana, to the Court of competent jurisdiction at Phagwara, District Kapurthala. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Khanna, to the District and Sessions Judge, Kapurthala.

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

13.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No