



TA-1589-2023

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

**Sr. No.439**

**TA-1589-2023**

**Date of Decision: 24.03.2025**

**MALIKA RANI**

**....Applicant**

**Versus**

**AMIT RAJPAL**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Rajesh Bhateja, Advocate  
for the applicant.

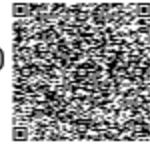
Mr. Surinder Avinash K. Sharma, Advocate  
for the respondent.

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**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/79/2023, titled '*Amit Rajpal Vs. Malika Rani*', filed by the respondent-husband, pending in the Family Court, SAS Nagar (Mohali) and she seeks transfer of the same to the Court of competent jurisdiction at Fatehgarh Sahib.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.



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Learned 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 05.11.2019, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. Also, it is submitted that the applicant is a government employee and she is working on the post of Clerk at D.C. Complex, Fatehgarh Sahib and therefore, it is difficult for her to pursue the divorce petition. The distance between SAS Nagar and Fatehgarh Sahib is about 40 kilometres.

On the contrary, the counsel for the respondent, while making reference to the reply filed, has assiduously submitted that there is no such inconvenience caused to the applicant, to pursue the divorce petition, which is pending at a distance of about 30 kilometres, more particularly, when she is working as Clerk in the D.C. Office, Fatehgarh Sahib and is in a financially sound condition. Also, it is submitted that the distance between the two places is only 30 kilometres, which has been falsely projected to be 40 kilometres.

In view of the submissions aforesaid, it is pertinent to mention that there is general tendency of amongst the Courts to consider the convenience of the wife, in case of transfer applications relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances coming forth, also ought to be taken into consideration, while deciding the transfer application. A wide discretion is vested in the Courts to consider the various aspects coming forth. In the case in hand, the applicant is doing a government job and working as a Clerk in the D.C.



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Complex and that too at Fatehgarh Sahib, where she want the divorce petition to be transferred. The distance between the two places is 30 kilometres only and both the stations have good connectivity of transportation.

Considering the aforesaid circumstances, no case is made out for acceptance of the transfer application. Hence, the same is hereby dismissed.

**24.03.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No