



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

Sr. No.213

**TA-1292-2023
Date of Decision: 23.09.2025**

KULWINDER

....Applicant

Versus

MANJEET SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arjunveer Sharma, Advocate
for the applicant.

Mr. J.S. Kang, 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. DMC/608/2023, titled '*Manjeet Singh Vs. Kulwinder*', filed by the respondent-husband, pending in the Family Court, Panipat and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

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

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



17.02.2010. Two sons were born from the said wedlock, who are in the age group of 10-11 years. The elder son is in the custody of the respondent, whereas the younger son, who is 10 years old, is in the custody of the applicant. On account of the matrimonial dispute, the respondent is facing trial in the Courts at Panipat, relating to FIR bearing No.766 dated 17.08.2023, under Sections 323 and 506 IPC, got lodged by the applicant at Police Station Samalkha, District Panipat. The applicant is not having any source of earning and as such, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Ludhiana. Besides the same, she has filed the petition under the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Ludhiana, at appearance stage. The distance between the two places is stated to be 228 kilometres.

On the other hand, counsel for the respondent submits that since the criminal trial is going on, in the Courts at Panipat and the respondent is making appearance therein, it shall not be difficult for the applicant also, to come to the Courts at Panipat, to pursue the divorce petition. Further, it is submitted that it shall be too harsh for the respondent also, to pursue the divorce petition filed by him, if the transfer application is accepted.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that the Courts generally lean towards convenience of the wife, while adjudicating on the transfer application relating to the matrimonial dispute. Of course, there is no strait-jacket formula to be applied for deciding the transfer applications. Each case has to be decided in the backdrop of its own facts and circumstances. Various factors ought to be



taken into consideration, such like, which spouse is having the custody of the child (if any); capacity of the spouse to take care of the child; financial condition of both the spouses; the distance between the two places and the convenience of the witnesses etc. In the case in hand, there are two sons born from the wedlock of the parties. The younger son is in the custody of the applicant and the elder one is in the custody of the respondent. The applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C., which is already pending in the Courts at Ludhiana and the same is pursued by the respondent. Also, the petition under the Protection of Women from Domestic Violence Act, is pending in the Courts at Ludhiana, at appearance stage.

Considering the aforesaid mitigating circumstances, which favour the applicant, it is also pertinent to mention that even though, the criminal case is pending in the Courts at Panipat, but however, the same ought to be considered that the applicant is complainant in the said case, who is required to make appearance only when she has to depose in the case and otherwise, the criminal case is taken care of by the State counsel.

In view of the aforesaid fact situation and considering the fact of the applicant, not having any source of earning, more particularly, considering the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/608/2023, titled '*Manjeet Singh Vs. Kulwinder*', filed by the respondent-husband, stands transferred from the Family Court, Panipat, to the Court of competent jurisdiction at Ludhiana. The requisite record of the



aforesaid case be sent by the Family Court, Panipat, to the District and Sessions Judge, Ludhiana.

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

However, taking into consideration the fact of respondent also having custody of one son, he may file an application before the Court concerned, to make appearance through virtual mode, as and when required. Upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

23.09.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No