



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

Sr. No.110

**TA-1656-2023
Date of Decision: 03.04.2025**

SEEMA

....Applicant

Versus

PAWAN KUMAR ATTRI

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. J.S. Randhawa, Advocate
for the applicant.

Mr. Bhupinder Gupta, 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/615/2023, titled '*Pawan Kumar Attri Vs. Seema*', filed by the respondent-husband, pending in the Family Court, Gurdaspur and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

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

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 04.11.2016, but no child was born from the said wedlock. The applicant has filed the petition under



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the Protection of Women from Domestic Violence Act i.e. COMA/314/2018, which is pending in the Courts at Jalandhar. The outstanding amount of maintenance is now stated to be Rs.2,50,000/-, as fixed in the petition filed under the Protection of Women from Domestic Violence Act. However, the respondent is not making payment of the maintenance amount and as such, the execution is pending. Also, it is submitted that the applicant is a Bachelor of Ayurvedic Medicine and Surgery (BAMS) and is doing job as Ayurvedic Medical Officer at Jandiala. Also, it is submitted that keeping in view the nature of her job, which is on contract basis, it is difficult for the applicant to commute a distance of about 130 kilometres to defend the divorce petition.

On the contrary, the counsel for the respondent has refuted the claim for transfer of the divorce petition. In fact, it is submitted that the applicant is working. Also, it is submitted that there is no child born from the said wedlock. Even, the distance between Jalandhar and Gurdaspur, has been falsely asserted to be 130 kilometres on one side, whereas, it is 96 kilometres. As such, it is submitted that there is no mitigating circumstances to accept the transfer application.

In view of the rival submissions aforesaid, it is pertinent to mention that there is an outstanding amount of Rs.2,50,000/-, as maintenance amount. On query by the Court, it is not disclosed by the counsel for the respondent, as to whether any maintenance is paid by the respondent to the applicant or not.

In view of the aforesaid fact situation and also considering the position of law about preference given to the convenience of the wife in the transfer applications relating to the matrimonial disputes, the transfer



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application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/615/2023, titled '*Pawan Kumar Attri Vs. Seema*', filed by the respondent-husband, stands transferred from the Family Court, Gurdaspur, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court, Gurdaspur, to the District and Sessions Judge, Jalandhar.

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

03.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No