

TA-204-2025

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

Sr. No.202

TA-204-2025  
Date of Decision: 29.05.2025

**SARAVJEET KAUR**

....Applicant

**Versus**

**VAKIL**

....Respondent

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

Present:- Mr. Varshit Garg, Advocate  
for the applicant.

None for the respondent.

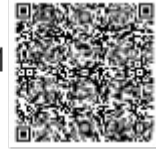
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**ARCHANA PURI, J. (Oral)**

As per the observations made in the order dated 22.05.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the application i.e. CM/23/2025, filed at her instance in HMA/320/2021, titled '*Vakil Vs. Saravjeet Kaur*', for setting aside



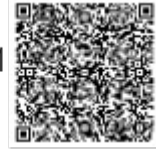
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of the *ex parte* divorce decree dated 25.08.2022 obtained by the respondent. The said application is, pending in the Family Court, Jind and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 13.03.2018, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant got lodged an FIR bearing No.194, under Sections 498-A, 406, 323 and 506 IPC, at Women Police Station, Yamuna Nagar. Challan has been presented in the same and the respondent is facing trial, relating to the said FIR in the Courts at Yamuna Nagar.

Also, it is submitted that the applicant had filed the maintenance petition i.e. MNT-125/181/2021, the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/163/2021 and the civil suit i.e. CS/181/2025, which are pending in the Courts at Yamuna Nagar and the respondent is pursuing the same. Also, it is submitted that the applicant is not having any source of earning and is dependent upon her parental family. The distance between the two places is about 180 kilometres. Also, it is submitted that the decree in question, which is sought to be set aside by the applicant, was obtained in a clandestine manner, as her service was never effected in the divorce petition.

Considering the aforesaid submissions, it is pertinent to mention that while adjudicating on an application for transfer of the matrimonial litigation, various factors are required to be taken into consideration.

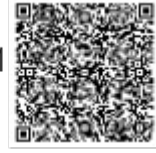


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Generally, the Courts lean towards the convenience of wife, in case of transfer applications relating to the matrimonial dispute, but however, this is not a thumb rule. Other facts, such like, source of earning; the distance between the two places; the number of children born from the wedlock (if any); capacity of the parent to take care of the children, in whose custody the children actually are (if any); fact of pending litigation, also have to be taken into consideration. In the case in hand, the applicant is not having any source of earning. Though, there is no child born from the said wedlock, but there are other mitigating circumstances, favouring the transfer of the case. Four other cases, arising from the matrimonial dispute, are already pending in the Courts at Yamuna Nagar and the respondent is pursuing the same. Moreover, the distance is also too long, which is about 180 kilometres, on one side.

Considering the aforesaid mitigating circumstances and also taking into consideration the fact of the respondent, having not come forward to resist the application, the transfer application is allowed and the application i.e. CM/23/2025 in HMA/320/2021, titled '*Vakil Vs. Saravjeet Kaur*', filed by the applicant-wife, stands transferred from the Family Court, Jind, to the Court of competent jurisdiction at Yamuna Nagar. The requisite record of the aforesaid case be sent by the Family Court, Jind, to the District and Sessions Judge, Yamuna Nagar.

Learned District and Sessions Judge, Yamuna Nagar, shall assign the said petition to the Family Court, Yamuna Nagar. Even, the parties



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are directed to appear before the Family Court, Yamuna Nagar, within a period of one month from today onwards.

The Court concerned shall make an endeavour to adjourn all the cases, preferably for one and the same date.

Also, the respondent always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

**29.05.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No