



TA-627-2023 (O&M)

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

Sr. No.103

TA-627-2023 (O&M)

Date of Decision: 28.03.2025

PARNEET KAUR

...Applicant

Versus

JASWANT KAUR

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. K.V. Aggarwal, Advocate
for the applicant.

Mr. Mayur Karkra, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-8973-CII-2023

Keeping in view the averments made in the application, same is allowed.

Main case

The applicant has filed the present application for seeking transfer of the petition under the Protection of Women from Domestic Violence Act i.e. COMA/370/2023, titled '*Jaswant Kaur Vs. Parneet Kaur*',



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filed by the respondent (mother-in-law of the applicant), which is pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar.

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

Learned counsel for the parties heard.

At the very outset, it is contended by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 14.11.2005. One son born from the said wedlock, who is about 7½ years old, is in the care and custody of the applicant. The applicant got the government job in the office of Excise and Taxation Department, Patiala, in December 2016 and presently, she is posted at SAS Nagar. It is submitted that on account of her job, she is required to take leave on each and every date of hearing. The applicant had filed the petition under Section 125 Cr.P.C., which is pending in the Courts at SAS Nagar and the respondent is making appearance in the same. Also, it is submitted that after filing of the transfer application, the father of the applicant had filed the complaint, copy whereof is Annexure P-2, before the police authorities, Patiala, regarding attempt of murder upon the applicant, at the behest of the respondent. On the basis of the said complaint, FIR has been got registered, after filing of the transfer application. Furthermore, it is submitted by the counsel that on account of her job exigencies, it is difficult for the applicant to go to Patiala, to pursue the aforesaid complaint.

On the other hand, the counsel for the respondent has assiduously resisted the claim for transfer of the case, as he submits that the



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respondent, who is mother-in-law of the applicant, is an aged lady. She is 72 years old and has various age-related health issues. Even, she had suffered a roadside accident in the year 2021 and had suffered head injury, as a result whereof, she is facing various health issues. The counsel for the respondent has made reference to Annexures R-1 to R-3, in this regard. Also, it is submitted that the applicant is interested to seek the transfer of the petition under the Protection of Women from Domestic Violence Act, solely on account of her real sister working as Clerk, in the Courts at SAS Nagar. As such, a prayer has been made for dismissal of the transfer application.

In view of the rival submissions aforesaid, it is pertinent to mention that generally the Courts give preference to the convenience of the wife, in case of the transfer applications relating to the matrimonial dispute. However, it is not a thumb rule. The convenience of both the sides ought to be taken into consideration. The respondent (mother-in-law of the applicant) is an aged woman, who is 72 years old and therefore, her convenience/inconvenience also ought to be taken into consideration. The applicant is doing government job since 2016 in the Department of Excise and Taxation and she is presently posted at SAS Nagar. Moreover, her sister is also posted in the Courts at SAS Nagar.

Considering the aforesaid fact situation and also considering the distance between the two places to be only 55 kilometres, there is no substantial reason made out, for transfer of the petition under the Protection of Women from Domestic Violence Act, more particularly, considering the age of the respondent and also the various health issues faced by her, as evident from Annexures R-1 to R-3. Moreover, the applicant can always



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make a prayer for making appearance through video conferencing, as and when required by the Court concerned.

In view of the aforesaid observations, no case is made out for transfer of the petition under the Protection of Women from Domestic Violence Act.

Hence, the transfer application is hereby dismissed.

28.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No