



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

107

**TA-1331-2024 (O&M)
Date of Decision: October 15, 2025**

Amanpreet Kaur

...Applicant

Versus

Vijay Kumar

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ritesh K Sharma and Mr.Bikramjit Singh Baath, Advocates
for the applicant.

Mr.K.S.Saini, Advocate
for the respondent.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 13(1)(ia)(ib) of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-320-2024, titled 'Vijay Kumar vs. Amanpreet Kaur', pending in the Family Court, SBS Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

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

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the

applicant that the marriage between the parties to the lis had taken place on 26.06.2022, but no child was born from the said wedlock. However, on account of matrimonial dispute, the parties are residing separate. The respondent is residing in UAE and he had filed the divorce petition through his mother Bakshish Kaur, as attorney holder. The applicant is working on daily wages at SBBS University, Khiala. On account of matrimonial dispute, the applicant had filed petition under Section 12 of the Protection of Women from Domestic Violence Act as well as petition under Section 125 Cr.P.C, which are pending in the Courts at Jalandhar and the same are being pursued by the respondent through attorney holder Bakshish Kaur, his mother.

Besides the same, criminal proceedings were initiated under Section 498-A IPC, wherein, challan has been presented and Bakshish Kaur, mother of the respondent, his attorney holder, has already made appearance as accused in the said case. The P.O. proceedings are pending against the respondent, who is residing abroad.

In the given circumstances, it is submitted that it is difficult for the applicant to pursue the divorce petition, as the distance between the place of residence of the applicant and the Courts at Nawanshahr, SBS Nagar is about 70 kms.

On the other hand, learned counsel for the respondent has refuted the claim for transfer. In fact, counsel submits that there is direct bus service from the place of residence of the applicant to the District Courts, SBS Nagar and therefore, she should not be having any difficulty in pursuing the litigation, even if it remains pending at the same place. Also, it

is submitted that attorney holder of the respondent, is having medical issues, on account of her age.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts give preference to the convenience of the wife, while considering the transfer application, relating to the matrimonial dispute. Though, it may not be a thumb rule, but however, other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, the respondent himself is residing in UAE and he has initiated litigation, on account of the matrimonial dispute through his mother Bakshish Kaur, as his attorney holder. Though, there is no child born from the said wedlock, but however, three other litigation, arising from this matrimonial dispute, are already pending in the Courts at Jalandhar i.e. petition under DV Act, 125 Cr.P.C. as well as criminal proceedings, wherein, the Bakshish Kaur, attorney holder of respondent, who is also one of the accused, is making appearance and the P.O. proceedings are going on, qua the respondent-Vijay Kumar.

Considering the aforesaid circumstances, when the respondent himself is residing abroad and also taking into consideration the fact about Bakshish Kaur to be pursuing other litigation, arising from this matrimonial dispute, which is pending at Jalandhar and considering the distance between the two places, the present transfer application, as such, is hereby allowed and the petition under Section 13(1)(ia)(ib) of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-320-2024, titled 'Vijay Kumar vs. Amanpreet Kaur', stands transferred from the Family Court, SBS Nagar to the Court of competent jurisdiction at Jalandhar. The requisite record of

the aforesaid case be sent by the Family Court, SBS Nagar 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.

October 15, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No