



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

Sr. No.107

**TA-585-2023
Date of Decision: 07.08.2025**

JASWINDER KAUR

...Applicant

Versus

AMRIK SINGH

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Bhupinder Singh, Advocate
for the applicant.
(Through video conferencing).

Mr. Dixit Garg, 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/165-2022 titled '*Amrik Singh v/s Jaswinder Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court), Khanna, District Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Fatehgarh Sahib.

Upon notice, the respondent has made appearance through counsel and submits that he does not intend to file reply to the transfer application, though he contest the same.

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 08.12.2012 and two children born from the said wedlock, who are in the age



group of 8-9 years, are in the care and custody of the respondent. It is submitted that even though the distance between the two places is 40 kms, but since, the applicant is very poor, it is difficult for her to commute such distance, to pursue the divorce petition. The applicant has also filed petition under Section 12 of Protection of Women from Domestic Violence Act, which is pending in the courts at Fatehgarh Sahib.

On the other hand, counsel for the respondent submits that the respondent is single parent, who is taking care of the two children, who are of the growing age, more particularly, the girl child. In the given circumstances, it shall also be difficult for the respondent also, if the divorce petition is transferred. Moreover, emphasis has also been laid upon the distance between the two places.

In view of the aforesaid submissions, it is pertinent to mention that even though the courts give preference to the convenience of the wife, while considering the transfer application, relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances, coming forth, ought to be taken into consideration.

In the case in hand, the distance between the two places, where the divorce petition is pending and where it is sought to be transferred is 40 kms only, that too from the place of residence of the applicant. There are also two children born from the wedlock of the parties, one is daughter, who is 9 years old and the son is about 8 years old. Both the children are in the care and custody of the respondent. This is the weighing factor, about the respondent taking care of both the children. Although, it is asserted by the counsel for the applicant about the children having been forcibly kept by the respondent, but however, on query, it is stated that no such steps have been



taken to seek custody of the children.

Considering the aforesaid circumstances and the distance between the two places as well as considering the good road connectivity between the two places and the fact of two children residing with the father, no case is made out for acceptance of the transfer application.

Hence, the transfer application is hereby dismissed.

07.08.2025
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No