



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

Sr. No.202

TA-985-2025

Date of Decision: 02.09.2025

NEELAM

....Applicant

Versus

MANDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ashu Rana, Advocate
for the applicant.

Mr. Umaid Singh Mann, 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, 1955 i.e. HMA/72/2023, titled '*Mandeep Singh Vs. Neelam Kaur*', filed by respondent-husband, pending in the Courts at Derabassi, District Mohali, Punjab and she seeks transfer of the same to the Court of competent jurisdiction at Shahbad, Kurukshetra, District Haryana.

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

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 16.04.2021, and one girl child was born from the said wedlock, is in the care and custody of the applicant. Furthermore, it is submitted that the applicant



has no source of earning and therefore, she had filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Shahbad and the respondent is making appearance in the same.

In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 93 kms, more particularly while taking care of the minor child.

On the other hand, the counsel for respondent submits that though, the distance between the two places is 59 kms and not 93 kms, also it is submitted that wrongly, it has been stated that the applicant is working as property dealer, whereas, the applicant is working in the construction company. On query by the Court, the counsel was unable to answer about the kind of work he is indulging into. Also, it is submitted that it shall be too harsh for the respondent also in case the transfer case is accepted.

In view of the rival submissions aforesaid, it is pertinent to mention that while considering the transfer application relating to the matrimonial dispute, various circumstances spelt out from the material brought on record ought to be taken into consideration and then some balancing of the convenience/inconvenience of the parties concerned has to be done. In the case at hand, though, much dispute is relating to the distance between the two places where the divorce petition is pending and where it is sought to be transferred but however, suffice to consider that the distance is one factor, which is ought to be taken into consideration. The other mitigating factor is that girl child born out from said wedlock is in care and custody of the applicant more particularly, when the applicant is not having any source of earning.

Besides the aforesaid, even the petition under Section 125



Cr.P.C., filed at the instance of applicant, is pending in the Courts at Shahbad and the respondent is pursuing the said litigation.

In view of the aforesaid fact situation and more particularly, the fact that the girl child born out of the wedlock is in the care and custody of the applicant, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act, 1955 i.e. HMA/72/2023, titled '*Mandeep Singh Vs. Neelam Kaur*', filed by the respondent-husband, stands transferred from the Courts at Derabassi, District Mohali, Punjab, to the Court of competent jurisdiction at Shahbad, Kurukshetra, Haryana. The requisite record of the aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Kurukshetra, Haryana.

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

02.09.2025
parul verma

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No