



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

Sr. No.242

TA-508-2025

Date of Decision: 25.08.2025

**KRISHNA BENIWAL**

...Applicant

Versus

**JAGPAL SINGH**

....Respondent

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

Present:- Mr. Pankaj Kaushik, Advocate  
for the applicant.

Mr. Vishal Pundir, Advocate  
for the respondent.

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

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/44/2024, titled '*Jagpal Singh Vs. Krishana Beniwal*', filed by the respondent-husband, pending in the Family Court, Panipat, and she seeks transfer of the same to the Court of competent jurisdiction at Assandh, District Karnal.

In pursuance of the notice issued, the respondent made appearance through counsel. However, the counsel submits that he does not intend to file reply to the transfer application, though, he contests 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 15.02.2014. Two children were born from the said wedlock, one son and



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one daughter and they both are in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. Also, it is asserted that the respondent has no source of income and is an alcoholic and he used to insult the applicant, off and on. Furthermore, it is submitted that the applicant, together with the children, is residing in the parental house. Also further, it is submitted that the applicant herself is working as a 'Teacher' in Uplani, Assandh, Karnal, under the Haryana Kaushal Rozgar Yojana Scheme. As such, it is submitted that it is difficult for her to pursue the litigation, pending in the Courts at Panipat. Also, it is submitted that the distance between the two places is about 50 kilometres.

On the other hand, counsel for the respondent submits that the respondent is not having any source of earning and therefore, even if, the application is so accepted, it shall become difficult for him, to pursue the litigation, from a distance of about 80 kilometres.

In view of the submissions aforesaid, it is pertinent to mention that even though, the Courts generally lean towards 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 from the material brought on record, ought to be taken into consideration and then balancing of convenience/inconvenience of the parties, ought to be made. In the case in hand, there are two children born from the wedlock of the parties, who are in the custody of the applicant. This, though may be a weighing factor, but however, other circumstances also have to be taken into consideration. The applicant is working as a government teacher in Uplani, Assandh, Karnal and she had herself stated



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about the respondent not having any source of income. Considering the same, so far as the minor children are concerned, they can be taken care of by the parents of the applicant, with whom, the applicant, as well as the children are residing. The distance between the two places, where the petition under Section 9 of the Hindu Marriage Act is pending and where it is sought to be transferred, is only 42 kilometres and this route has a well-connected means of transportation.

In view of the aforesaid fact situation and balancing the convenience/inconvenience of the parties, no case is made out for acceptance of the application.

Hence, the transfer application is hereby dismissed.

**25.08.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No