



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

Sr. No.106

TA-1018-2023

Date of Decision: 24.03.2025

SIMRAN KAUR

....Applicant

Versus

AMRIK SINGH

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Shivam Sharma, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the order dated 02.09.2024 reveals that the respondent did not make appearance despite service, on that date. Even on the last date of hearing i.e. 18.12.2024, none had made appearance on behalf of the respondent. Today also, none has made appearance on his behalf. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

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/307/2023, titled '*Amrik Singh Vs. Simran Kaur*', filed by the



respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 14.10.2021, but no child was born from the said wedlock. The applicant is stated to be unemployed and as such, she is having no source of earning. She is residing at her parental place. In these circumstances, it is submitted that it is difficult for the applicant to defend the petition under Section 9 of the Hindu Marriage Act, pending in the Courts at Ambala.

In view of the submissions aforesaid, it is pertinent to mention that even though, generally the convenience of the wife is taken into consideration, in case of transfer applications relating to the matrimonial dispute, but however, it is not a thumb rule. The various other circumstances, as spelt out from the material coming forth, also ought to be taken into consideration. Wide discretion has been given to the Courts, *vis-a-vis*, the acceptance/denial of the transfer applications.

In the case in hand, the petition under Section 9 of the Hindu Marriage Act, is sought to be transferred from the Ambala Courts to the Courts at SAS Nagar. Both the aforesaid stations are situated on the main road and also have a well-connected means of transport. Even, the distance between the two places is only around 50 kilometres.

On query by the Court, it is disclosed by the counsel for the applicant that even though, the applicant is unemployed, but however, she is a graduate.

Considering the aforesaid circumstances, simply on the score of



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inconvenience, as alleged, on account of distance of 50 kilometres, no ground is made out to accept the transfer application, more particularly, when both the stations are situated on the main road and having a well-established means of transportation.

Hence, the transfer application is hereby dismissed.

24.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No