



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

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Transfer Application No.657 of 2026 (O & M)

Date of decision :-14.05.2026**Amarawati****.....Applicant****Versus****Kuldeep Kumar****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ritesh K. Sharma, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

1. Prayer in this petition filed by applicant-wife is for transfer of the petition bearing No.HMA/588/2024 filed by respondent-husband under Sections 11 read with Section 5(i) of the Hindu Marriage Act,1955 (for short 'the Act') titled "Kuldeep Kumar vs. Amrawati" pending in the Court of Additional Principal Judge, Family Court, Fatehabad (Haryana) to a Court of competent jurisdiction at Jalandhar (Punjab).

2. Learned counsel for the applicant has contended :-

- i) that the parties were married on 16.7.2024 according to Hindu rites and rituals.
- ii) That no child was born out of this wedlock.
- iii) that the applicant-wife is living separately from the respondent-husband and living with her parents at their mercy at Jalandhar (Punjab).
- iv) that the applicant is unemployed, having no source of income and totally dependent upon her parents; and the respondent-husband is not paying anything to her towards maintenance.
- v) That the proceedings arising out of petition :-



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(a) under Section 125 Cr.P.C. bearing No.118 of 2026

filed by the applicant-wife, are pending in the Courts having competent jurisdiction at Jalandhar (Punjab).

- v) That the distance between place of residence of the applicant-wife i.e. Jalandhar and the place of proceedings under Sections 11 read with Section 5(i) of the Act, filed by the respondent-husband, pending before the Addl. Principal Judge, Family Court, Fatehabad (Haryana), is about 250 kilometers one side.
- vi) that there is no proficient male member in the family of the applicant, who can accompany her to visit and attend the Court of proceedings at Fatehabad (Haryana) because the parents are old aged persons and suffering from age related ailments.

3. It is *inter alia* on these grounds that applicant prays for transfer of the case, as detailed in para 1 above. It is further submitted by learned counsel for the applicant that the applicant being a single lady is unable to travel the distance of 250 kilometers of one side from District Fatehabad to Jalandhar. It is stated that being a different State-District Fatehabad in Haryana State and District Jalandhar in Punjab-State, the applicant cannot travel.

4. I have heard learned counsel for the applicant.

5. I find no merit in the submissions advanced by learned counsel for the applicant as it is admitted that the applicant is unemployed; whereas the respondent is stated to be working. As such, it is difficult for the respondent to take leave from work and come to Jalandhar to attend the proceedings of Court. It is also admitted that the respondent has not yet put in appearance in the petition filed under Section 144 of BNSS filed by the applicant at Jalandhar. With regard to the submission on behalf of the applicant that the respondent can cause



harm to the applicant, on Court query, it is admitted by learned counsel for the applicant that no police complaint in that regard has ever been registered by the applicant at any stage.

6. This Court is well aware of the preponderance of law in cases of transfer emanating from matrimonial disputes is in favour of the wife. However, in certain similar cases as the present one, the Hon'ble Supreme Court, as well as this Court have refused relief to the wife. One such case which may be referred to is: **(2006) 9 SCC 197 'Anindita Das Vs. Srijit Das'** wherein Hon'ble Supreme Court under similar circumstances dismissed the wife's application seeking transfer of petition filed by the husband. Reference in this regard may also be made to two cases of this Court where, in similar circumstances this Court had dismissed transfer applications filed on behalf of the wife. These are: **TA no. 126 of 2018 Smt. Akhwinder Kaur Vs. Sh. Gurpreet Singh;** and **TA No. 299 of 2019 Nisha alias Manisha vs. Amarveer Yadav.**

7. Accordingly, in view of the facts and circumstances of the present case as noted above, as also the precedents of Case law as above, finding no merit in this application, the same is hereby dismissed.

Pending application(s) if any stand disposed of.

May 14, 2026
Vijay Asija

(**NIDHI GUPTA**)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No