



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

109

Transfer Application No.662 of 2026 (O & M)

Date of decision :-15.05.2026**Paramjit Kaur****.....Applicant****Versus****Akashdeep Singh****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Shruti Mandhotra, Advocate as Legal Aid Counsel
for the applicant.

NIDHI GUPTA J. (Oral)

1. The present Transfer Application has been filed by the applicant-wife seeking transfer of Divorce Petition bearing No. DMC/1492/2025 titled as “Akashdeep Singh vs. Paramjit Kaur”, filed by the respondent-husband under Section 13 of the Hindu Marriage Act, presently pending before the learned Principal Judge, Family Court, Bathinda, Punjab, to a Court of competent jurisdiction at Kharar, Punjab.

2. Learned counsel for the applicant submits that the marriage between the parties was solemnized on 25.02.2012 and one female child was born out of the said wedlock on 30.11.2012, who is presently residing in the care and custody of the respondent-husband. Owing to matrimonial discord, the parties have been residing separately since 23/24.09.2025.



3. It has been argued that the applicant was compelled to leave the matrimonial home on account of physical assault and harassment allegedly caused by the respondent. In this regard, reliance has been placed upon the Medico Legal Report (Annexure P-1), which reflects that the applicant had sustained four minor injuries. Learned counsel further submits that the applicant apprehends threat from the respondent and, therefore, is unable to travel from Kharar to Bathinda to attend the proceedings pending before the Family Court.

4. On a specific query put by this Court as to whether any FIR or complaint had been lodged by the applicant regarding the alleged threats, learned counsel submitted that the applicant has only filed a complaint before the competent Court at Kharar seeking directions for registration of an FIR against the respondent.

5. It has further been submitted that the following proceedings between the parties are already pending at Kharar:-

- (i) Petition under Section 125 Cr.P.C.;
- (ii) Complaint case against the respondent-husband and his family members; and
- (iii) Petition under Section 12 of the Protection of Women from Domestic Violence Act.

6. Learned counsel for the applicant has also contended that the applicant is unemployed and is, therefore, not financially capable of travelling to Bathinda on each date of hearing. However, on a Court query regarding the educational qualifications of the applicant, it was submitted that the applicant is an M.A. graduate in Punjabi. Learned counsel was unable to furnish any specific reason as to why



the applicant, despite being well-qualified, is not engaged in any employment.

7. Learned counsel has further submitted that the applicant is still willing to resume matrimonial life with the respondent. However, on being queried by the Court as to whether the applicant had instituted any proceedings under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights, it was fairly conceded that no such petition has been filed.

8. I have heard learned counsel for the applicant and have considered the material available on record.

9. It is true that while considering transfer petitions arising out of matrimonial disputes, the convenience of the wife is ordinarily given due weightage. However, such principle cannot be applied in a mechanical manner and each case has to be examined on its own facts and circumstances.

10. In the present case, admittedly, the minor daughter is residing with the respondent-husband, who is not only maintaining his employment but is also single-handedly taking care of the upbringing, education and day-to-day welfare of the child. Thus, the respondent is simultaneously discharging parental as well as professional responsibilities.

11. In contrast, no exceptional or compelling circumstance has been brought on record by the applicant to establish that she is incapable of travelling the distance between Kharar and Bathinda for attending the proceedings. The distance involved is approximately



230-240 kilometers and the travel time, as noticed during the course of hearing, is around three to four hours. Moreover, such travel is not required on a daily basis, but only on the dates fixed before the Family Court.

12. Even the Medico Legal Report (Annexure P-1), relied upon by the applicant, reflects only minor bruises and does not substantiate any such grave or extraordinary circumstance which may justify transfer of the proceedings. Similarly, except for a bald assertion regarding threat perception, no FIR or substantive material has been placed on record to support such apprehension.

13. 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.**

14. Having regard to the overall facts and circumstances of the present case, this Court does not find any sufficient ground



TA-662-2026 (O & M)

warranting exercise of discretionary jurisdiction for transfer of the proceedings from Bathinda to Kharar.

15. Consequently, finding no merit in the present petition, the same is **dismissed**.

Pending application(s), if any, shall also stand disposed of.

May 15, 2026

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No