



TA-579-2024

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

Sr. No.354

TA-579-2024

Date of Decision: 20.08.2025

RAHUL GARG

...Applicant

Versus

POOJA GARG

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vishal Verma, Advocate
for the applicant.

Mr. Ranbir Singh Sekhon, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-husband has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/581/2023, titled '*Pooja Garg Vs. Rahul Garg*', filed by the respondent-wife, pending in the Family Court, Ferozepur and he seeks transfer of the same to the Court of competent jurisdiction at Kharar, District SAS Nagar.

Upon notice, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.



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At the very outset, it is submitted by the counsel that marriage of the applicant was performed with the respondent-Pooja Garg, on 22.06.2012. One son born from the said wedlock on 12.08.2014, is in the care and custody of the respondent-wife. While making reference to the contents of the application, counsel submits that the conduct of the respondent, while staying in India, was not appropriate and she had of her own, gone away from India and is residing at Portugal. She had also taken away the son born from the wedlock, along with her. Also, it is submitted that the applicant is petty shopkeeper, running his shop in Kurali and just with the purpose to cause harassment to the applicant, the divorce petition has been filed by the respondent, at Ferozpur, through her attorney-holder, who is the paternal aunt of the applicant. In the given circumstances, it is submitted that it is only the convenience of the respondent (if any), which is to be seen and the convenience of the attorney-holder is not to be looked into.

On the other hand, the counsel for the respondent, while making reference to the reply, submits that Nirmal Kapoor, attorney-holder of the respondent, is the paternal aunt of the respondent-wife. Her mother has already died and father is quite aged. Even otherwise, Ferozpur is parental place of the respondent. As such, it is submitted that while considering the convenience of the wife, the transfer application be dismissed.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, while considering the transfer application relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt



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out from the material brought on record, also ought to be taken into consideration. Admittedly, the respondent is at present residing at Portugal and she has also taken son born from the wedlock, along with her. The divorce petition has been filed through the paternal aunt of respondent, who is her attorney-holder and is resident of Ferozepur. Though, it is submitted that the mother of the applicant had died, but however, it is also submitted by the counsel for the respondent that, father of the respondent is still alive, though he is stated to be an aged person. It is settled position of law that convenience of the attorney-holder is not to be taken into consideration at first instance and it is only the convenience of the wife, which is to be given weightage. Taking into consideration peculiar facts of the present case and also considering the fact about the divorce petition having filed by the respondent-wife at Ferozepur, through paternal aunt, an element of malafide intention to cause harassment to the applicant-husband, to cover a distance of more than 200 kilometres, as such, cannot be ruled out.

In view of the aforesaid fact situation and also taking into consideration the facility available with the respondent, who is living at Portugal, as well as her attorney-holder, to make appearance through electronic mode, after seeking permission from the concerned Court, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/581/2023, titled '*Pooja Garg Vs. Rahul Garg*', filed by the respondent-wife, stands transferred from the Family Court, Ferozepur, to the Court of competent jurisdiction at Kharar, District SAS Nagar. The requisite record of the aforesaid case be sent by the Family Court, Ferozepur, to the District and Sessions Judge, SAS Nagar.



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Learned District and Sessions Judge, SAS Nagar, shall assign the said petition to the Family Court (Camp Court) Kharar. Even, the parties are directed to appear before the Family Court (Camp Court) Kharar, within a period of one month from today onwards.

20.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No