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

Sr. No.488

TA-292-2023

Date of Decision: 29.07.2025

SONIA

....Applicant

Versus

UMESH AGGARWAL

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Nidhi Dahiya, Advocate for
Mr. Deepender Singh, Advocate
for the applicant.

Mr. Arnav Mittal, Advocate for
Mr. Sachin Mittal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

At this stage, the counsel appearing on behalf of the respondent submits that he does not intend to file reply to the transfer application, though he contests the same.

Counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/78/2021, titled '*Umesh Aggarwal Vs. Sonia*', filed by the respondent-husband, pending in the Family Court, Nuh and she seeks transfer of the same to the Court of competent jurisdiction at Faridabad.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 07.05.2019, but no child



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was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant, at the time of filing of the application, was residing with her aged parents, but her father had since died.

On query by this Court, it is submitted by the counsel for the applicant that the applicant is not working and as such, has no source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Faridabad. Also, she has filed the petition under the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Faridabad. As such, it is submitted that it is difficult for the applicant, to commute a distance of about 70 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent resisted the claim for transfer of the divorce petition, as he submits that the distance between the two places, where the divorce petition is pending and where it is proposed to be transferred, is 59 kilometres only.

In view of the rival submissions aforesaid, it is pertinent to mention that the respondent disputes only about the distance between the two places, which is stated to be about 59 kilometres. Also, it is necessary to note that the applicant is not having any source of earning and she is residing with her widow mother. Two other cases, arising from this matrimonial dispute, are already pending in the Courts at Faridabad.

Considering the aforesaid mitigating circumstances, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/78/2021, titled '*Umesh Aggarwal Vs. Sonia*', filed



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by the respondent-husband, stands transferred from the Family Court, Nuh, to the Court of competent jurisdiction at Faridabad. The requisite record of the aforesaid case be sent by the Family Court, Nuh, to the District and Sessions Judge, Faridabad.

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

29.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No