



TA-1394-2023

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

Sr. No.105

TA-1394-2023

Date of Decision: 20.02.2025

TANNU

....Applicant

Versus

ADHAR ALIAS AADHAR

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. R.K. Girdhwal, Advocate
for the applicant.

Mr. Anand Kumar Bishnoi, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

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/1190/2023, titled '*Adhar Vs. Tannu*', filed by the respondent-husband, pending in the Family Court, Gurugram and she seeks transfer of the same to the Court of competent jurisdiction at Jhajjar.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

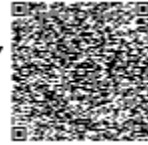


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It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 10.02.2023. However, on account of the matrimonial discord, the parties are residing separate. Even, the applicant has filed the petition for seeking maintenance and the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Jhajjar. Also, it is submitted that the distance between the village of the respondent to District Court, Jhajjar, is about 39 kilometres and to District Court Gurugram is about 24 kilometres. The distance between the residence of the applicant to District Court, Gurugram, is about 57 kilometres. As such, a prayer has been made for transfer of the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply, has brought to the notice of the Court that there is a deliberate concealment about the proceedings of the case pending before Additional Principal Judge, Family Court at Pataudi and not at District Gurugram. Also, it is submitted that the Family Court at Pataudi, is at a distance of about 30 kilometres, from the house of the applicant.

In view of the aforesaid submissions, the counsel for the applicant submits that the applicant has received the summon, copy whereof is Annexure P-1, from the Family Court, Gurugram. However, may it be so, the applicant herself, has annexed the copy of the divorce petition, filed by the respondent and the same clearly reveals about the same to be filed in the Family Court, Pataudi. Since there is Family Camp Court operating at sub-divisional level, it is probably on this account, the summon has been erroneously issued by the Family Court, as relating to that of Gurugram,



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though the petition has been filed at Pataudi.

Considering the aforesaid fact situation and considering the distance between the place, where the divorce petition is pending and the place of residence of the applicant, which is well-connected, no case is made out for transfer of the case.

Hence, the transfer application is hereby dismissed.

20.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No