



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

Sr. No.236

TA-69-2024

Date of Decision: 20.08.2025

MANJU

....Applicant

Versus

RAJNI KANT

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Alisha Soni, Advocate
for the applicant.

Mr. Balraj Singh, 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, titled '*Rajni Kant Vs. Manju and another*' (Annexure P-1), filed by the respondent-husband, pending in the Family Court (Camp Court) Loharu, District Bhiwani and she seeks transfer of the same to the Court of competent jurisdiction at Hansi.

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

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 14.04.2004. However, on account of the matrimonial dispute, the parties are residing separate. Two



children were born from the said wedlock; son born on 25.05.2005 and daughter born on 09.07.2006. Son is presently in the care and custody of the applicant, whereas the daughter is in the care and custody of the respondent. Also, it is submitted that the applicant is not having any source of earning and as such, is fully dependent upon her parental family. There is no other litigation, pending between the parties. In these circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 50 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that in fact, the brother of the applicant, together with his friends, had attacked the respondent, relating to which an FIR bearing No.72 dated 26.05.2021, under Sections 323, 34, 452 and 506 IPC, was got registered and the brother of the applicant, is facing trial relating to the same, in the Courts at Loharu, District Bhiwani. In the given circumstances, it is submitted that considering the distance between the two stations, to be not more than 40 kilometres, no case is made out for transfer of the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, in case of transfer application relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration and then balancing of the convenience/inconvenience of both the sides, has to be made. In the case in hand, two children were born from the said wedlock, son is about 20 years old and the daughter is about 19 years old. There is no



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other litigation between the parties. The distance between the two places is about 50 kilometres. Even, the applicant is having a grown up boy, living with her.

On query by this Court, the counsel for the applicant was unable to state about the son to be following any avocation or to be a student.

In view of the aforesaid fact situation, more particularly, considering the fact of the respondent taking care of the grown up daughter, no case is made out for transfer of the divorce petition.

Hence, the transfer application is hereby dismissed.

20.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No