

TA-153-2024

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

Sr. No.108

TA-153-2024

Date of Decision: 27.02.2025

SHUCHI

....Applicant

Versus

MANISH ARORA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Adarsh Jain, Advocate
for the applicant.

Mr. Parth Goyal, 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/648/2023, titled '*Manish Arora Vs. Shuchi*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Panipat.

In pursuance of the notice issued, respondent made appearance through Mr. Parth Goyal, Advocate, who has filed Power of Attorney, which is taken on record. Even, reply had been filed by the respondent.



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Learned counsel for the parties heard.

At the very outset, the counsel for the applicant submitted that the marriage between the parties to the lis, had taken place on 10.11.2008. Earlier, the parties were residing at Dubai, where the girl child was born on 21.02.2019, who is in the care and custody of the applicant. In December 2021, the applicant returned back from Dubai and she is residing in Panipat along with her daughter. However, it is submitted that the applicant was earlier working in Dubai, but after return to India, she is not working and as such, has no source of earning. Also, it is submitted that the respondent is suffering from cancer and he is taking treatment in India and United States of America. On account of the daughter living with the applicant, it is difficult for her to defend the divorce petition, pending in the Courts at Karnal.

On query by the Court, it is submitted by the counsel for the applicant that the girl child is about 6 years of age. On further query, it is disclosed that the applicant is residing with her parental family, consisting of her widow mother, brother and sister-in-law. Also, on query, it is submitted by the counsel that the applicant is Postgraduate in Mass Communication.

On the other hand, the counsel for the respondent, while making reference to the reply filed, has submitted that the applicant had filed the transfer application on false allegations. In fact, it is submitted that the respondent is suffering from cancer and on account of his medical ailment, it is difficult for him to be mobile and pursue the divorce petition, if transferred to Panipat. Also, it is submitted that the applicant is well-educated and was earlier doing job and having independent source of



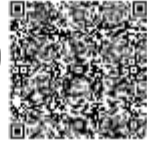
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earning in Dubai. In these circumstances, it shall not be difficult for her to defend the divorce petition, even from Panipat, while the same remains pending at Karnal, as the personal appearance of the parties is not required on each and every date, in the civil disputes.

In view of the submissions aforesaid, it is pertinent to mention that even though, convenience of the wife ought to be taken into consideration, while dealing with the transfer applications relating to the matrimonial dispute, but however, various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. Each case has to be decided, keeping in view the facts and circumstances. No hard and fast rule can be adopted for allowing/disallowing the transfer applications.

In the present case, the respondent is suffering from cancer and considering his medical ailment, it is bound to be inconvenient for him, to pursue the divorce petition, if so transferred. Simultaneously, it ought to be taken into consideration that the applicant was doing job, while she was staying at Dubai and thus, was financially independent, while remaining away from her home place. As such, she is bound to be confident to pursue the divorce petition, pending at Karnal. Even though, the child is aged about 6 years, but however, the applicant is staying at her parental home, which consists of her widow mother, brother and sister-in-law and therefore, the child shall not be so displaced, if the litigation continues at Karnal. Moreover, the applicant is not required to make appearance before the Court concerned, on each and every date of hearing.

In view of the aforesaid circumstances spelt out, no case is



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made out for allowing the transfer application. Hence, the same is hereby dismissed.

However, considering the convenience/inconvenience of both the parties to the present application, a request is hereby made to the Court concerned, where the divorce petition is pending, to look into the feasibility to secure the presence of the applicant, through electronic mode, as and when required.

27.02.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No