



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

Sr. No.107

**TA-960-2024 (O&M)
Date of Decision: 15.09.2025**

SHIWANI @ SHIVANI

....Applicant

Versus

ISHWAR @ SHRIKANT

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arun Chander Sharma, Advocate
for the applicant.

Mr. Amarpreet Singh, Advocate for
Mr. Arav Gupta, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-13612-CII-2024

Keeping in view the averments made in the application, same is allowed.

Main case

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1178/2023, titled '*Ishwar Vs. Shiwani*', 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 notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.



At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 26.06.2021, but no child was born from the said wedlock. The applicant, as well as her sister, were married to the real brothers i.e. the respondent and his brother, namely, Vinod. However, on account of the matrimonial dispute, the parties are residing separate. Even, the sister of the applicant is having a matrimonial dispute with her husband-Vinod. Also, it is submitted that the applicant is not having any source of earning and as such, she has filed the maintenance petition i.e. MNT-125/470/2023, which is pending in the Courts at Panipat and the respondent is proceeded against *ex parte*, in the said petition. Besides the same, an FIR bearing No.328 dated 04.06.2023, under Sections 313, 323, 34, 376(2)(n), 406, 498-A and 506 IPC, was got lodged by the sister of the applicant at Police Station Old Industrial Panipat and the same is under investigation.

On the other hand, counsel for the respondent, while making reference to the reply filed, submits that no such justifiable reason is coming forth, for acceptance of the transfer application. In fact, it is submitted that father of the respondent has already died and his mother is bed-ridden. As such, the respondent is required to take care of his mother and if the present application is accepted, it shall be too harsh for him also, to pursue the litigation.

In view of the rival submissions aforesaid, it is pertinent to mention that time and again, the Courts have held that preference ought to be given to the convenience of wife, though, it is not a thumb rule. However, various other circumstances spelt out from the material brought forth, ought to be taken into consideration. In the case in hand, the applicant is not



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having any source of earning and as such, has filed the maintenance petition, which is pending in the Courts at Panipat and respondent has not pursued the same and has been proceeded against *ex parte*. Besides the same, even the FIR got registered at the behest of sister of the applicant, is pending investigation and the respondent is one of the accused in the same.

Though, much emphasis has been laid by counsel for the respondent on the distance, to be only about 37 kilometres, but however, the distance is not a sole factor, which is required to be taken into consideration. The fact of other two cases already pending in Panipat, is a weighing factor, more particularly, when the respondent has not pursued the maintenance petition and he has been proceeded against *ex parte* by the Courts at Panipat.

Considering all the aforesaid circumstances, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1178/2023, titled '*Ishwar Vs. Shiwani*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Panipat.

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

(ARCHANA PURI)
JUDGE

15.09.2025
Himanshu Vats

Whether speaking/reasoned : Yes

Whether reportable : Yes/No