



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

212

**TA-554-2025(O&M)
Date of Decision: October 13, 2025**

Shivani Arora

...Applicant

Versus

Kapil Chhabra

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ravi Singh, Advocate
for the applicant.

Respondent proceeded against ex-parte
vide order dated 04.09.2025.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.DMC-1338-2024, titled 'Kapil Chhabra vs. Shivani Arora', which is pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

In pursuance of the notice issued, the respondent did not make appearance and as such, he was proceeded against ex-parte.

Counsel for the applicant heard.

At the very outset, it is submitted by learned counsel for the

applicant that marriage between the parties to the lis, had taken place on 04.12.2017 and from the said wedlock, three female children were born i.e. twin daughters on 09.11.2019 and third girl child on 26.01.2022. All the three daughters are in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she, together with her three daughters is dependent upon her parental family. Besides the same, it is also submitted that on account of matrimonial dispute, the respondent is facing trial in FIR No.09 dated 08.01.2024 under Sections 498-A and 406 IPC, which is pending in the Courts at Hoshiarpur and respondent is making appearance in the same.

The respondent has also filed petition under Section 7 of the Guardians and Wards Act, which is also pending in the Courts at Hoshiarpur. Besides the same, the applicant has also filed petition under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Hoshiarpur, and is still at appearance stage. It is submitted that even though, the distance between the two places is 45 kms., but it is difficult for the applicant, to defend the litigation, more particularly, while taking care of three minor female children.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of the wife, while adjudicating the transfer applications, relating to the matrimonial dispute. Though, it may not be a thumb rule, but however, the circumstances spelt out, have to be taken into consideration. Each case has to be considered, in its own factual background. Several factors are required to be taken into

consideration, more particularly, about the children born from the wedlock of the parties to the lis, as well as the financial capacity of the spouse, who is taking care of the children, convenience of the witnesses etc. as well as the distance between the two places, where the litigation is pending and where, it is sought to be transferred.

In the case in hand, though the distance, is not as such, which in itself may be considered as weighing factor, but however, the most important factor to be taken into consideration, in the present case, is about three girl children born from the wedlock of the parties, who are in the care and custody of the applicant. They are in the age group of 3 to 6 years. It is the best interest of the children, which is the most weighing factor. The applicant is taking care of all three children, more particularly, when she herself has no source of earning. Besides the same, there are other three litigations, pending in the Courts at Hoshiarpur. In two of the cases, the respondent is already making appearance and the third case under Domestic Violence, is at appearance stage. The respondent is required to make appearance, on each and every date, in the criminal trial, which he is doing so.

Considering the aforesaid mitigating circumstances, the distance itself may not be that important, but however, the fact of applicant, taking care of three minor girl children, while herself having no source of earning and above it, the respondent not having come forward to resist the transfer application, the present transfer application, as such, is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.DMC-1338-2024, titled 'Kapil Chhabra

vs. Shivani Arora', stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, Hoshiarpur.

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

October 13, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No