



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

Sr. No.219

TA-852-2025

Date of Decision: 17.09.2025

SHILPA SIWACH

....Applicant

Versus

PRATEEK KUNDU

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vikalp Hooda, Advocate
for the applicant.

Mr. Naresh Kumar Khepar, 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/853/2024, titled '*Prateek Kundu Vs. Shilpa Siwach*', filed by the respondent-husband, pending in the Family Court, Jind and she seeks transfer of the same to the Court of competent jurisdiction at Rohtak.

Upon 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



26.11.2023, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. Presently, she is pursuing M.A. in English from Rohtak. She has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/153/2025 and petition under Section 9 of the Hindu Marriage Act i.e. HMA/56/2025, which are pending in the Courts at Rohtak and the respondent is making appearance in the maintenance petition. The distance between the two places is stated to be 60 kilometres.

On the other hand, counsel for the respondent, while making reference to the reply, submits that there was erratic behaviour on the part of the applicant, as a result whereof she has also consumed detergent liquid, after having a fight with the mother of the respondent. On the next date, she had gone away from the matrimonial house with her brother. In fact, a complaint bearing No.822-5D dated 28.10.2024, was registered at the instance of mother of the respondent in Police Station Civil Lines, Jind and the same is still pending inquiry. It is submitted that it was only on account of bad conduct of the applicant, that the matrimonial dispute arose between the parties. Furthermore, it is submitted that the respondent is working as Sub-Divisional Engineer/Assistant Engineer in Public Health Engineering Department and is posted at head office Panchkula. On account of his job exigencies, he has to remain mobile as he is also having additional charge of Division-IV, Hansi, District Hisar and as such, he commutes between Panchkula and Hansi. In the given circumstances, due to his job constraints, it will be difficult for him also, to pursue the litigation, if so transferred to Rohtak. Moreover, it is submitted that two cases have been filed by the



applicant, only as a counter-blast to the divorce petition, filed by the respondent.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts give preference to the convenience of wife, while adjudicating on the transfer application relating to the matrimonial dispute, though, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. In the case in hand, there is no child born from the wedlock of the parties. However, the applicant is not having any source of earning and is dependent upon her parental family. The respondent-husband, on the other side, is doing a respectable job. Though, it is stated that on account of job exigencies, he is required to be mobile between Panchkula and Hansi, but however, convenience/inconvenience of the parties, has to be taken into consideration and some balancing to be done. Each case has to be decided in its own factual background. The applicant is not having any source of earning. On query by this Court, it is submitted by the counsel for the applicant that till date, no maintenance has been paid by the respondent to the applicant.

In view of the aforesaid fact situation and also in the fitness of circumstances, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/853/2024, titled '*Prateek Kundu Vs. Shilpa Siwach*', filed by the respondent-husband, stands transferred from the Family Court, Jind, to the Court of competent jurisdiction at Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Jind, to



the District and Sessions Judge, Rohtak.

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

17.09.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No