



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

Sr. No.101

**TA-1093-2023 (O&M)
Date of Decision: 21.05.2025**

SANJEEV KUMAR

....Applicant

Versus

SWETA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Lokesh Sharma, Advocate
for the applicant.

Mr. Reetesh Kumar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-15366-CII-2023

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

Main case

The applicant-husband has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, titled '*Sanjeev Kumar Vs. Sweta*', filed at his instance, pending in the Family Court, Jhajjar and he 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.

The 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 05.03.2016. One daughter



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born from the said wedlock, is in the care and custody of the respondent-wife. However, on account of the matrimonial dispute, the parties are residing separate and they are entangled in various rounds of litigation.

Also, it is submitted that the applicant is a government servant and working as a Staff Nurse/Nursing Officer, in Government Medical College and Hospital, Sector 32, Chandigarh and because of the vocation followed by him, he is presently residing at Zirakpur. The applicant is facing trial in the Courts at Rohtak, relating to FIR bearing No.106 dated 27.10.2019, under Sections 406, 498-A and 34 IPC, got lodged by the respondent. Even earlier, the petition under Section 125 Cr.P.C. was pending in the Courts at Rohtak, but the same has since been decided.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the present application has only been filed for harassing the respondent. Even, the divorce petition has been filed on false allegations. Considering the same, it is submitted that the Courts at Jhajjar, have no jurisdiction and on this account, the respondent is seeking transfer of the same to the Courts at Rohtak.

In view of the submissions aforesaid, it is pertinent to mention that the respondent-wife is a resident of Rohtak. Qua the FIR, as detailed aforesaid, the respondent is facing trial in the Courts at Rohtak. As disclosed today by the counsel for the applicant, the petition filed under the Guardians and Wards Act, as well as, the petition under Section 340 Cr.P.C., are also pending in the Courts at Rohtak. Even though, it is submitted that there is no jurisdiction of Jhajjar Courts to try the divorce petition pending there, but however, this assertion can only be considered by the Court concerned.



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But anyhow, considering the provision of Section 24 of the Civil Procedure Code and also taking into consideration the convenience, which shall be there, not only for the applicant but also for the respondent, who is herself resident of Rohtak, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act, titled '*Sanjeev Kumar Vs. Sweta*', stands transferred from the Family Court, Jhajjar, to the Court of competent jurisdiction at Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Jhajjar, 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.

21.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No