

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

Sr. No.132

TA-731-2025

Date of Decision: 04.09.2025

LALIT KUMARI

...Applicant

Versus

RAMDHARI SHARMA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Satender Kumar, Advocate
for the applicant
(through video conferencing).

Mr. Rajesh Tushar, Advocate
for the respondent.

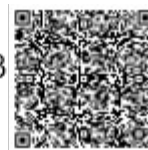
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/558/2023, titled '*Ramdhari Sharma Vs. Lalit Kumari*', filed by the respondent-husband, pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

In pursuance of notice issued, the respondent made appearance through counsel. However, counsel for the respondent has submitted that he does not intend to file reply to the transfer application, though he contests the same.

Counsel for the parties heard.

It is submitted by the counsel for the applicant that marriage between the parties to the lis, had taken place on 25.11.2009, but no child was born from the said wedlock. However, on account of the matrimonial



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dispute, the parties are residing separate. The applicant had got lodged an FIR bearing No.232 dated 08.04.2023, under Sections 323, 325, 34, 498-A and 506 IPC, at Police Station Azad Nagar, Hisar. Challan has been presented and the case is pending before the Courts at Hisar. However, counsel submits that for seeking transfer of the said trial also, applicant had filed CRM-M-47619-2025, wherein notice has been issued by the Coordinate Bench. The respondent is already making appearance in the aforesaid trial. Furthermore, it is submitted that the applicant is not working and as such, has no source of earning. She is totally dependent upon her parental family. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 60-65 kilometres, to defend the divorce petition.

On the other hand, counsel for the respondent has submitted that the distance is not such, which will cause inconvenience to the applicant, more particularly, when there is no child born from the wedlock and also when the criminal trial is already pending in the Courts at Hisar.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application relating to the matrimonial dispute, various circumstances ought to be taken into consideration. Primarily, it has to be seen, as to whether there is any child born from the wedlock of the parties and which parent is having the custody of the child (if any). Besides the same, various other circumstances, spelt out from the material coming forth, also ought to be taken into consideration. Though, in the present case, as submitted by the counsel for the respondent, the distance is not much, but however, simultaneously, it ought to be taken into consideration that the applicant is not having any source of earning and is



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dependent upon her parental family. Furthermore, she has already filed the transfer petition, for seeking transfer of the criminal trial, which is pending in the Courts at Hisar.

In view of the aforesaid fact situation and also considering the fact about the Courts generally leaning towards convenience of the wife, in case of transfer application relating to the matrimonial dispute, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/558/2023, titled '*Ramdhari Sharma Vs. Lalit Kumari*', filed by the respondent-husband, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Bhiwani. The requisite record of the aforesaid case be sent by the Family Court, Hisar, to the District and Sessions Judge, Bhiwani.

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

04.09.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No