



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

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**TA-217-2025(O&M)
Date of Decision: July 08, 2025**

Dolma Devi

...Applicant

Versus

Ajay Sharma

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Jagmeet Singh Moudgil, Advocate
for the applicant.

Mr.Raman Mahajan, Advocate
for the respondent.

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.HMA-934-2024, titled 'Ajay Sharma vs. Dolma Devi', pending in the Family Court, Chandigarh and she seeks transfer of the same to the Court of competent jurisdiction at Kharar.

Upon notice issued, the respondent made appearance through counsel and filed the reply.

Learned counsel for the parties 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

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20.02.2018 and one son was born from the said wedlock, who is now 5 years old, is in care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. It is further submitted that the applicant is working as Staff Nurse in Civil Hospital, Derabassi (now posted at Kharar). The respondent is working in some private bank and earning Rs.1,50,000/- per month. Even, he was earlier practising advocate at Chandigarh. Even, his father is also practising advocate at Chandigarh and in these circumstances, the applicant apprehends about justice being denied to her, while exercise of influence by the respondent and his family.

Also, it is submitted that the applicant had filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act and application under Section 144 of BNS for grant of maintenance, which are pending in the Courts at Kharar and the respondent is making appearance in both the cases. In the given circumstances, a prayer has been made for allowing the present application and transfer of the divorce petition.

On the other hand, learned counsel for the respondent, while making reference to the reply, has submitted that the applicant, who is working as Staff Nurse, was earlier making up and down from Kharar to Derabassi and therefore, it shall not be difficult for her to pursue the litigation, pending in Chandigarh. Also, it is submitted that the respondent is working as legal advisor in some private bank and therefore, he is not in a position to exercise any influence to seek favourable decision of his case. However, it is not disputed that father of the respondent is practising



advocate at Chandigarh District Court. As such, a prayer has been made for the dismissal of the transfer application.

In view of the rival submissions aforesaid, it is pertinent to mention that Courts generally lean towards the convenience of the wife, in case of transfer application, relating to the matrimonial dispute, but however, it is not a thumb rule. The favourable weightage to be given to the wife in case of matrimonial dispute has to be considered in the backdrop of the various circumstances, coming forth, from the material brought on record. In the case in hand, the applicant is taking care of 5 years old child and also performing onerous duties as Staff Nurse, which calls for night duties also 'off and on'. This aspect also needs to be taken care of.

Even though, father of the respondent is a practising advocate at Chandigarh District Court, this *ipso facto*, does not lead to the inference of exercise of influence upon the Courts, where the case is pending. Simultaneously, it has to be seen that justice should not only be done, but it should also appear to be done and to dispel any kind of apprehension in the mind of the applicant, on account of father of respondent practising at District Court, Chandigarh.

Considering the aforesaid circumstances and also doing some balancing of convenience and inconvenience of both the sides, it shall be appropriate, in the fitness of the circumstances, if the divorce petition is transferred. Thus, the transfer application, as such, is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.HMA-934-2024, titled 'Ajay Sharma vs.

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Dolma Devi', stands transferred from the Family Court, Chandigarh to the Court of competent jurisdiction at Family Court, SAS Nagar, Mohali, which is equidistant from Kharar and Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Chandigarh to the District and Sessions Judge, SAS Nagar, Mohali.

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

July 08, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No