



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

**Sr. No.112**

**TA-414-2024 (O&M)  
Date of Decision: 23.01.2025**

**ALISHA KAMBOJ**

**....Applicant**

**Versus**

**HASAN KUMAR**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Virshank Suri, Advocate  
for the applicant.

Mr. M.S. Dua, Advocate  
for the respondent.

\*\*\*\*\*

**ARCHANA PURI, J. (Oral)**

**CM-1225-CII-2025**

This is an application filed by the respondent for placing on record the reply along with the Annexures R-1 to R-3.

In view of the averments made in the application, same is allowed and the requisite documents are taken on record.

**Main case**

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/37/2024, titled '*Hasan Kumar Vs. Alisha Kamboj*', filed by the respondent-husband, pending in the Family Court, SAS Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.

In pursuance of the notice issued, respondent made appearance



TA-414-2024 (O&M)

through counsel and filed reply.

Learned 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 21.11.2020, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. It is submitted that the respondent is facing trial of the FIR bearing No.124 dated 13.10.2021, under Sections 323, 406, 498-A and 506 IPC, in the Courts at Panchkula. Even, the petition under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, filed by the applicant, is pending in the Courts at Panchkula. Also, it is submitted that though, the applicant has done Bachelors in Homeopathy, but, she is dependent upon her parents, as she is not having any definite source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 25 kilometres, to defend the divorce petition. As such, a prayer has been made for acceptance of the transfer application.

On the contrary, the counsel for the respondent has refuted the claim of the applicant. While making reference to the reply, he submits that the applicant has suppressed the material fact. In fact, the applicant is a Homeopathic Doctor and she is doing job at Esic Hospital, Phase-2 Ram Darbar, Industrial Area, Chandigarh and also running a Clinic at Shri Parshavnath Digambar Jain Mandir, Sector-18, Panchkula. Otherwise also, it is submitted by the counsel for the respondent that the two places, where the divorce petition is pending and where it is sought to be transferred, are part of Chandigarh tricity and no such inconvenience is to be caused to the



TA-414-2024 (O&M)

applicant, while pursuing the divorce petition, pending in SAS Nagar.

In view of the submissions aforesaid, it is pertinent to mention that both Panchkula and SAS Nagar, are part of the Chandigarh tricity. The tricity is having an exceptionally good network of transport connectivity, which does not cause any harassment to the person, who has to move in the tricity. Moreover, the applicant is a Homeopathic Doctor, though, it is submitted by the counsel that she is not having definite source of earning, but it is not specifically stated in the application about herself to be not doing any job. In fact, the counsel for the respondent has submitted that the applicant is running a clinic and photocopy of the advertisement given, has also been annexed with the reply.

Anyhow, the fact remains that the applicant is a well-qualified person, for whom commuting a distance of about 25 kilometres should not be a big issue, more particularly, when her presence is not required in the divorce petition, on each and every date of hearing. In the given circumstances, no case is made out for allowing the transfer application. Hence, the application is hereby dismissed.

**23.01.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No