

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

Sr. No.118

**TA-903-2024 (O&M)
Date of Decision: 04.09.2025**

MUKESH KUMARI

...Applicant

Versus

MANOJ

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Krishan M. Vohra, Advocate
for the applicant.

Mr. Ishan Gupta, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-12782-CII-2024

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

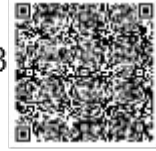
Main case

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/278/2024, titled '*Mukesh Kumari Vs. Manoj*', filed by the respondent-husband, pending in the Family Court, Bhiwani and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

In pursuance of the notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.

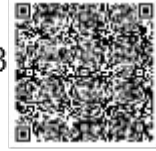
It is submitted by the counsel for the applicant that the marriage



between the parties to the lis, had taken place on 05.02.2022, but no child was born from the said wedlock. The applicant is herself working as 'Manager' in HAFED (Haryana State Cooperative Supply and Marketing Federation Limited). No other litigation is stated to be pending between the parties to the lis. On account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the distance between the two places is about 137 kilometres (though it has been mentioned as 150 kilometres). However, it is submitted that the applicant is having cervical problem and in the given circumstances, it is difficult for the applicant to commute such a distance, to pursue the litigation.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the distance is about 113 kilometres only. Otherwise also, the applicant is a working woman and as such, is highly placed in her life and therefore, she can very well pursue the litigation, which is of civil nature, as on all dates, her physical presence is not required. Besides the same, while making reference to paragraph No.14 of the reply, it is submitted that the case may be transferred to Charkhi Dadri, if the applicant agrees to the same, as Charkhi Dadri is her ancestral place.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts give preference to the convenience of wife, while considering the transfer application relating to the matrimonial dispute. However, this is not a thumb rule. Various other circumstances, spelt out from the material coming forth, ought to be taken into consideration. In the case in hand, there is no child born from the wedlock. The applicant is herself highly placed, as she is employed as 'Manager' in HAFED, which is a government job. Considering the same, it is also pertinent to mention that



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though, it is stated that the applicant is having health issues, but however, no material is coming forth, to so substantiate the same. In any case, the distance between the two places is about 137 kilometres.

Taking into consideration the convenience/inconvenience of both the sides and balancing the same, it would be just and appropriate and in the fitness of circumstances, if the divorce petition is transferred to Jhajjar. Hence, the transfer application is hereby partly allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/278/2024, titled '*Mukesh Kumari Vs. Manoj*', filed by the respondent-husband, stands transferred from the Family Court, Bhiwani, to the Court of competent jurisdiction at Jhajjar, which is at a distance of about 46 kilometres from Gurugram. The requisite record of the aforesaid case be sent by the Family Court, Bhiwani, to the District and Sessions Judge, Jhajjar.

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

04.09.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No