

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

Sr. No.115 (2 cases)

Date of Decision: 11.09.2025

1.

TA-688-2025

DEEPSHIKHA

....Applicant

Versus

VIKAS

.....Respondent

2.

TA-334-2024

VIKAS

....Applicant

Versus

DEEPSHIKHA

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Aditya Jain, Mr. Yatin Mehta, Mr. Rahul Vohra and
Mr. Rajat Singla, Advocates
for the applicant (in TA-688-2025) and
for the respondent (in TA-334-2024).

Mr. Kulbhushan Sharma, Advocate
for the respondent (in TA-688-2025) and
for the applicant (in TA-334-2024).

ARCHANA PURI, J. (Oral)

These are two rival applications, filed by the parties to the lis,
for seeking transfer of the litigation, pending between them.

TA-688-2025 has been filed by the applicant-wife for seeking



TA-688-2025 AND TA-334-2024

transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/997/2023, titled '*Vikas Vs. Deepshikha*', filed by the respondent-husband, pending in the Family Court, Sonapat and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

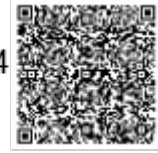
TA-334-2024 has been filed by the applicant-husband for seeking transfer of the complaint under the Protection of Women from Domestic Violence Act i.e. DV/381/2023, titled '*Deepshikha Vs. Vikas Sharma and others*' and the petition under Section 125 Cr.P.C. i.e. MNT-125/508/2023, titled '*Deepshikha Vs. Vikas Sharma*', filed by the respondent-wife, which are pending in the Courts at Gurugram, and he seeks transfer of the same to the Court of competent jurisdiction at Sonapat.

Both the counsel, who are making appearance for the respondent in the cross-transfer application, had given a statement that the contents of their transfer application, be considered as reply in the connected application.

Counsel for the parties heard.

For the convenience of discussion, the parties as well as the facts, shall be referred, as pleaded in TA-334-2024.

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 01.11.2009. Two children were born from the said wedlock; one boy and one girl, who are in the age-group of 7-9 years and are in the care and custody of the applicant-husband/father. However, on account of the matrimonial dispute, the parties are entangled in litigation. In fact, it is submitted that the applicant has filed the divorce petition, which is pending in the Courts at Sonapat. Besides the same, the respondent has filed the

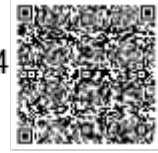


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petition under 6 of the Hindu Minority and Guardianship Act, read with Section 25 of the Guardianship and Wards Act i.e. HMG/2003/2024, which is pending in the Courts at Sonapat. Moreover, it is submitted that the respondent is a well-educated lady and she is working as an 'Assistant Professor', in the College at Gurugram. Though, in the application filed by the husband, the earnings have been asserted to the extent of Rs.80,000/- per month, but however, in the application filed by the wife herself, her earnings are stated to be to the extent of Rs.36,000/-. In the given circumstances, it is submitted that the applicant can very well pursue the litigation, if it remains pending at Sonapat, more particularly, considering the 'best interest' of the children and also considering the guardianship petition pending at Sonapat. As such, a prayer has been made for acceptance of TA-334-2024 and dismissal of TA-688-2025.

On the other hand, counsel for the respondent-wife, has refuted the claim for transfer. In fact, it is submitted that there was fault on the part of the applicant-husband. He had not allowed the respondent-wife/mother, to take the children along with her. The respondent had filed complaint before the police authorities, copy whereof is Annexure P-4 and the same is still pending. It was only under the constrained circumstances, that the respondent had filed the guardianship petition, which is pending in the Courts at Sonapat. On account of her job exigencies, she finds it difficult to pursue the litigation, pending at Sonapat. In the given circumstances, a prayer for transfer of the divorce petition has been made. Further, prayer is made for dismissal of TA-334-2024.

In view of the rival submissions made aforesaid, it is pertinent to mention that generally, the Courts consider the convenience of wife, in



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case of transfer application relating to matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. Each case has to be decided in its own factual background. There are various factors, which ought to be taken into consideration, while adjudicating on the transfer application. The most weighing circumstance, which is required to be taken care of, is as to which parent is having the custody of the children born from the estranged marriage. In the case in hand, both the children, who are in the age group of 7-9 years, are in the custody of the applicant-husband/father. The distance between Gurugram and Sonapat is about 100 kilometres. This extent of distance, definitely is bound to cause inconvenience to the children, who are living with their father at Sonapat. Besides the aforesaid, it is also significant to note that the respondent-wife is also a working woman and posted as 'Assistant Professor' and having a handsome salary. No constrained circumstance has been pin-pointed out at her behest, to pursue the litigation, except for the distance between the two places. Otherwise also, the respondent has filed the guardianship petition, which is already pending in the Courts at Sonapat and no transfer application has been filed, thereby seeking transfer of the same.

Considering all the aforesaid factors and primarily, considering the 'best interest' of the children born from the estranged marriage, it is just and expedient to **dismiss TA-688-2025**, filed at the behest of the wife and **allow TA-334-2024**, filed at the behest of the respondent. Accordingly, so ordered.

As such, complaint under the Protection of Women from Domestic Violence Act i.e. DV/381/2023, titled '*Deepshikha Vs. Vikas*



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Sharma and others’ and the petition under Section 125 Cr.P.C. i.e. MNT-125/508/2023, titled ‘Deepshikha Vs. Vikas Sharma’, filed by the wife, stand transferred from the Courts at Gurugram, to the Court of competent jurisdiction at Sonapat. The requisite record of the aforesaid cases be sent by the Court concerned, to the District and Sessions Judge, Sonapat.

Learned District and Sessions Judge, Sonapat, shall assign the said petitions to the Courts of competent jurisdiction at Sonapat. Even, the parties are directed to appear before concerned Court(s), within a period of one month from today onwards.

However, watching the interest of the wife, she always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

11.09.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No