



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

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TA-259-2025(O&M)

Date of Decision: August 06, 2025

Renu Bala

...Applicant

Versus

Nitish Kumar

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Krishan Singh, Advocate
for the applicant.

Mr.Ajay Kumar, Advocate
for the respondent.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13(1) (1A) & (1B) of the Hindu Marriage Act, filed by respondent-husband bearing No.HMA-228-2023, titled 'Nitish Kumar vs. Renu Bala', pending in the Family Court, Dera Bassi and she seeks transfer of the same to the Court of competent jurisdiction at Naraingarh, District Ambala.

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

Learned counsel for the parties heard.



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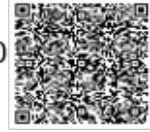
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At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on 06.12.2019 and one son was born from the said wedlock on 24.09.2020. However, on account of matrimonial dispute, the applicant was turned out from the matrimonial home, when she was pregnant and later on, she gave birth to second son in June 2024. Both the sons are in the care and custody of the applicant.

Also, it is submitted that the applicant is working as a teacher and before filing of the transfer application, she was posted at Kalsana, District Kurukshetra and now she has been transferred to village Karasan, District Ambala. Keeping in view the distance between Derabassi, where the petition is pending and the place of her posting as well as the parental place i.e. village Pathreri, where she is residing, it is difficult for her to commute a distance of 50 kms., to defend the litigation.

On the contrary, learned counsel for the respondent, while making reference to the reply filed by the respondent, submits that the applicant is well-educated and employed as vocational teacher. Considering her financial independence, she is well in a position to pursue the litigation, which is pending in Derabassi and more particularly, when she has already made appearance in the Court at Derabassi. Also, it is submitted that distance has been falsely stated to be about 50 kms., which is not more than 30 kms.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts give weightage to the convenience of the wife,

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while considering the transfer application, relating to the matrimonial dispute, but however, the same is not a thumb rule. Various other circumstances, coming forth, also ought to be taken into consideration and some balancing of convenience/inconvenience of the parties concerned, has to be made. In the case in hand, though, the applicant is working as a teacher, but the fact remains that she is taking care of two minor sons, which is the most weighing factor.

Even though, the distance between Derabassi and Naraingarh, where, the divorce petition is proposed to be transferred, may be less than 30 kms., as stated by learned counsel for the respondent, but however, while considering other circumstances, spelt out from the material coming forth, vis-a-vis, taking care of two minor children by the applicant, as well as doing of her job and also considering the distance between Derabassi to Pathreri as well as from Pathreri to Naraingarh and also to village Karasan, her place of posting, in the fitness of the circumstances, the present transfer application is hereby allowed and the petition under Section 13(1) (1A) & (1B) of the Hindu Marriage Act, filed by respondent-husband bearing No.HMA-228-2023, titled 'Nitish Kumar vs. Renu Bala', stands transferred from the Family Court, Derabassi, to the Court of competent jurisdiction at Naraingarh, District Ambala. The requisite record of the aforesaid case be sent by the Family Court, Derabassi to the District and Sessions Judge, Ambala.

Learned District and Sessions Judge, Ambala shall assign the said petition to the Family Court, Naraingarh. Even, the parties are directed



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to appear before the Family Court, Naraingarh, within a period of one month from today onwards.

August 06, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No