



TA-1036-2023 (O&M)

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

**Sr. No.104**

**TA-1036-2023 (O&M)  
Date of Decision: 04.03.2025**

**PRIYANKA**

**...Applicant**

**Versus**

**DEEPAK**

**.....Respondent**

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

Present:- Mr. Robin Lohan, Advocate  
for the applicant.

Mr. Satish Sharma, Advocate for  
Mr. B.S. Mamli, Advocate  
for the respondent.

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

**CM-20091-CII-2024**

The present application has been filed for placing on record copies of the case status i.e. CHI-85-2022 and COMA-105-2021, as Annexures P-2 and P-3, respectively.

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



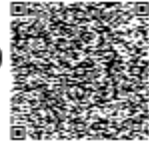
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transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/262/2023, titled '*Deepak Vs. Priyanka*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Hansi, District Hisar.

In pursuance of the notice issued, respondent made appearance 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 02.04.2020. One son born from the said wedlock, who is about 3 years old, is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. Also, it is submitted that challan has been filed in the FIR, got lodged by the applicant and the respondent is facing trial in the same, in the Courts at Hansi. Even, the petition under the Protection of Women from Domestic Violence Act, as well as the petition under Section 125 Cr.P.C., have been filed by the applicant, which are pending in the Courts at Hansi and the respondent is making appearance in the same. It is submitted that even though, the applicant, at the time of filing of the application, was not working, which fact was mentioned, but however, now, she is working as a Telecaller. Anyhow, the counsel submits that on account of the minor son, being in her care and custody and also in view of three cases already pending in the Courts at Hansi, it is difficult for the applicant, to commute a distance of about 130 kilometres, to defend the divorce petition. As such, a prayer is made for transfer of the divorce petition.



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On the contrary, the counsel appearing on behalf of the respondent submits that he has no objection, if the divorce petition is transferred, but however, he makes a prayer for transfer to any place, other than district Hisar, as he submits that there is threat to the life and liberty of the respondent, at the instance of the applicant.

In view of the submissions aforesaid, it is pertinent to mention that even though, the counsel for the respondent has no objection if the divorce petition is transferred, but, he has submitted that it should be transferred outside Hisar district, as the respondent has threat to his life and liberty at the instance of the applicant. However, on query by the Court, the counsel for the respondent has expressed his inability to apprise of the manner, in which there is threat to the life and liberty of the respondent, at the instance of the applicant. Nothing is coming on record about any process initiated by the respondent, against the applicant, qua the alleged threat. As such, the alleged danger/threat, is an outcome of overthinking on the part of the respondent.

In view of the aforesaid fact situation, considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, considering the fact about the applicant to be taking care of the minor son and also considering the fact about three cases arising from the matrimonial dispute, to be already pending in the Courts at Hansi, which are being pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/262/2023, titled '*Deepak Vs. Priyanka*', filed by the respondent-husband, stands



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transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Hansi, District Hisar. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Hisar.

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

**04.03.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No