



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

Sr. No.202

TA-751-2024

Date of Decision: 02.05.2025

ANU

....Applicant

Versus

RAHUL BATTAN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sandeep Kumar Bhardwaj, Advocate
for the applicant.

Mr. Jagmohan Ghuman, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act titled “*Rahul Battan v/s Anu*”, filed by the respondent/husband, which is pending in the courts at Chandigarh and she seeks transfer of the same to the court of competent jurisdiction at Rohtak.

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

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 14.02.2020 and one daughter born from the wedlock of the parties, aged about 3 years, is in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is



totally dependant upon her parental family. Also, it is submitted that after filing of the transfer application, the applicant has filed one petition under Section 125 Cr.P.C and complaint under Section 12 of Protection of Women from Domestic Violence Act, which are pending in the courts at Rohtak. However, particulars of the same, are not available. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 250 kms, to defend the divorce petition.

On the contrary, counsel for the respondent, while making reference to the reply submits that earlier also, various complaints were filed at the instance of the applicant against the respondent and the respondent had made appearance in the said complaints. However, the respondent was mishandled by the family members of the applicant. On the basis whereof, he has filed complaints, copies whereof are Annexure R-1 and R-2. On query by the court, counsel for the applicant was not able to apprise the court, about the status of the said complaints.

In view of the aforesaid submissions and also considering the distance between the two places, it is pertinent to mention that even though, generally the courts lean towards the convenience of the wife in the transfer application, relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances also ought to be taken into consideration.

In the case in hand, the distance between the two places is about 250 kms, which is a long distance and the same shall cause inconvenience to either of the parties, in case of allowing or dismissal of the transfer application.

Considering the said fact and also taking into consideration the fact of the applicant, having the custody of the minor child and not having



any source of earning, it shall be appropriate, if the transfer application, if not transferred to Rohtak, be transferred to a place nearer to Rohtak.

On query by the court, counsel for the applicant submits that the divorce petition be transferred to Gohana, District Sonapat.

In view of the same, the transfer application stands partly allowed and the petition under Section 13 of the Hindu Marriage titled “*Rahul Battan v/s Anu*”, filed by the respondent/husband, stands transferred from the Family Court, Chandigarh to the Court of competent jurisdiction at Gohana, District Sonapat. The requisite record of the aforesaid case be sent by the Family Court, Chandigarh to the District and Sessions Judge, Sonapat.

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

02.05.2025
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No