



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

Sr. No.119

TA-1625-2024

Date of Decision: 21.02.2025

PRIYA

....Applicant

Versus

SUDHIR

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Kamlesh, Advocate for
Mr. Parminder Singh, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per observations made in the order dated 17.02.2025, despite service, none had made appearance on behalf of the respondent. Today also, none has made appearance on his behalf. As such, respondent is proceeded against *ex parte*.

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/621/2024 titled "Sudhir v/s Priya", filed by the respondent/husband, which is pending in the courts at Kurukshetra and she seeks transfer of the same to the court of competent jurisdiction at Karnal.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 22.11.2021, but no child was born from the said wedlock. However, due to matrimonial discord, the parties are residing separate. The applicant has filed one petition under Section 125 Cr.P.C. as well as petition under Section 12 of the Domestic Violence Act, which are pending in the courts at Karnal and the respondent is pursuing the



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same. Also, it is submitted that the distance between Karnal and Kurukshetra is about 35 kms. As such, a prayer has been made for transfer of the divorce petition.

Considering the aforesaid submissions, it is pertinent to mention here that even though, the convenience of the wife ought to be taken into consideration, while dealing with the transfer applications in the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances coming forth, ought to be taken into consideration.

In the case in hand, no child was born from the wedlock of the parties to lis. Furthermore, the distance between Karnal and Kurukshetra is only 35 kms and both stations are situated on a GT road, and thus well connected. As such, no such discomfort ought to be caused to the applicant to defend the divorce petition pending at Kurukshetra. The distance alone is not an aspect to be taken into consideration for transfer of the case. No other circumstance in the present case, is evident to be considered for transfer of the same.

In the given circumstances, no case is made out for transfer of the divorce petition. Hence, the same is hereby dismissed.

But anyhow, with regard to the expenditure to be incurred on the transportation, to defend the divorce petition, the applicant always has the option to move an appropriate application, for seeking litigation expenses, in the case pending before the court below, more particularly, when the respondent is pursuing the same.

21.02.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : Yes/No