



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

Sr. No.108

TA-327-2025

Date of Decision: 01.08.2025

ANUSHKA

...Applicant

Versus

MOHIT GUPTA

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rajesh Goyal, Advocate
for the applicant.

Mr. Lavish, 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 i.e. DMC/124/2025, titled '*Mohit Gupta Vs. Anushka*', 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 Panipat.

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

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 31.10.2020. One daughter (wrongly mentioned as male child in the application) was born from the said wedlock, who is about 3 years old and is in the care and custody of the applicant. On account of the matrimonial



dispute, the parties are residing separate. The applicant is not having any source of earning and is dependent upon her parental family. On account of the matrimonial dispute, the applicant has already filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Panipat. In these circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 60 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply, submits that the applicant is a well-educated lady. She has done M.Sc. and is now pursuing Ph.D. However, on account of the constrained circumstances faced by the respondent, relating to his parents, it will be difficult for him also, if the divorce petition is so transferred.

In fact, much emphasis has been laid by the counsel for the respondent, on the educational status of the applicant and thus, it is submitted that it ought not be difficult for her, to pursue the divorce petition, which is a civil litigation and hence, does not call for her presence on each and every date of hearing.

In view of the aforesaid rival submissions, it is pertinent to mention that even though, the Courts give weightage to the convenience of the wife, while considering the transfer application relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances, surfaced from the material brought on record, also ought to be taken into consideration. Then some balancing of the convenience/inconvenience of the parties, has to be done. In the case in hand, the daughter born from the wedlock of the parties, is in the care and



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custody of the applicant, who is not having any source of earning. Besides the same, two other cases arising from this matrimonial dispute, are already pending in the Courts at Panipat.

On query by this Court, it is disclosed by the counsel for the respondent that the respondent is a businessman and he had never paid any maintenance to the applicant or the daughter.

Considering the aforesaid factual position, it is just and expedient to accept the application. Hence, the transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/124/2025, titled '*Mohit Gupta Vs. Anushka*', filed by the respondent-husband, stands transferred from the Family Court, Sonapat, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court, Sonapat, to the District and Sessions Judge, Panipat.

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

01.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No