

2025:PHHC:065556



TA-514-2024 (O&M)

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

**Sr. No.111**

**TA-514-2024 (O&M)  
Date of Decision: 16.05.2025**

**SUJATA SAINI**

**....Applicant**

**Versus**

**ASHWANI KUMAR**

**.....Respondent**

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

Present:- Mr. Sachin Gupta, Advocate  
for the applicant.

Mr. S.K. Chaudhary, Advocate  
for the respondent.

\*\*\*\*\*

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

**CM-8060-CII-2025**

The present application has been filed for setting aside of the *ex parte* proceedings, against the respondent.

In view of the averments made in the application, same is accepted.

**Main case**

At this stage, the counsel for the respondent submits that he



TA-514-2024 (O&M)

does not want to file reply to the transfer application, though he contests the same.

The counsel for the parties heard.

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/16/2024, titled '*Ashwani Kumar Vs. Sujata Saini*', filed by the respondent-husband, pending in the Family Court, Pathankot and she seeks transfer of the same to the Court of competent jurisdiction at Gurdaspur.

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 06.02.2000. Two children born from the said wedlock, are in the care and custody of the applicant. The elder son is studying in B.Sc. (Agricultural) at Hoshiarpur and the younger son is in 10<sup>th</sup> class. Also, it is submitted that considering the expenditure to be incurred on the studies of the children, the applicant is serving as a Teacher in private school. Further, it is submitted that the applicant has filed the petition under Section 125 Cr.P.C., wherein, interim maintenance was affixed.

On query by the Court, it is submitted that the interim maintenance is probably to the extent of Rs.10,000/- to Rs.15,000/- per month. The copy of the order, as such, has not been placed on record. However, the counsel for the applicant submits that civil revision is pending in this Court, for seeking enhancement of interim maintenance. The distance between the two places is 40 kilometres.

On the other hand, the counsel for the respondent submits that there is no reason coming forth, which would impel this Court to accept the



TA-514-2024 (O&M)

transfer application. As such, he makes a prayer for dismissal of the same.

In view of the submissions aforesaid, it is pertinent to mention that even though, generally, the Courts lean towards the convenience of wife, in case of transfer applications relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances coming forth, also ought to be taken into consideration. Simply on the score of applicant being wife, in itself is not a ground to allow the application. In the case in hand, there are two sons born from the said wedlock, who are studying in B.Sc. (Agricultural) at Hoshiarpur, as well as in 10<sup>th</sup> class. Both the said children are in the custody of the applicant. However, the applicant herself is working as a teacher. The interim maintenance has been fixed by learned Family Court, to facilitate the applicant to bear the expenditure of studies of both the children.

In view of the aforesaid circumstances, it is pertinent to mention that the other weighing factor is distance between the two places, which is less than 40 kilometres and there are well connected means of transport on the said route. Considering the same, the distance also is not to such an extent, which makes a good ground to accept the application.

In view of the aforesaid fact situation, no good ground is made out to accept the transfer application. Hence, the same is hereby dismissed.

**16.05.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No