



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

Sr. No.110

TA-361-2024

Date of Decision: 16.05.2025

MAMTA

....Applicant

Versus

ANOOP

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ashwani Bhardwaj, Advocate
for the applicant.

Mr. Nihal S. Chaudhary, 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/869/2023, titled '*Anoop Vs. Mamta*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

Upon notice, the respondent made appearance through counsel. However, the counsel for the respondent submits that he does not intend to file reply to the transfer application, though he contests the same.

The 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 10.11.2019. One daughter born from the said wedlock, is in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of



TA-361-2024

earning and as such, is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT/352/2021 and the petition under the Protection of Women from Domestic Violence Act i.e. COMP/322/2021, which are pending in the Courts at Jind and the respondent is making appearance in the same. Besides the same, the respondent is also facing trial in the Courts at Jind, relating to FIR bearing No.192 dated 23.12.2021, under Sections 323, 498-A and 34 IPC, got lodged by the applicant at Women Police Station, Jind. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 70 kilometres, to defend the divorce petition, more particularly, when she is taking care of the minor daughter.

On the other hand, the counsel for the respondent submits that the distance between the two stations is not 70 kilometres and in fact, it is 60 kilometres. Further, the counsel submits that not on all dates, the applicant is required to make appearance in person, in the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts give preference to the convenience of wife in the transfer applications relating to the matrimonial disputes. In the case in hand, the applicant is not having any source of earning and she is taking care of the minor daughter. Besides the same, three cases arising from this matrimonial dispute, are already pending in the Courts at Jind and the respondent is making appearance in the same. Though, distance is one factor, which weighs the mind of the Court, while adjudicating on the transfer application, but it is not the sole consideration. Various other circumstances, *vis-a-vis*, source of earning of the applicant, the custody of the child with which parent etc., are also to be taken into consideration.



In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/869/2023, titled '*Anoop Vs. Mamta*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Jind. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Jind.

Learned District and Sessions Judge, Jind, shall assign the said petition to the Court, where the cases arising from the matrimonial dispute are already pending. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

The Court concerned shall make an endeavour to adjourn all the cases, preferably for one and same date.

Even, the respondent always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

16.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No