



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

Sr. No.117

TA-60-2025

Date of Decision: 12.08.2025

URMILA KUMARI

....Applicant

Versus

YOGESH KUMAR CHORASIYA

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Dinesh Kumar Dakoria, Advocate
for the applicant.

Ms. Gurpreet Kaur, Advocate for
Mr. Ankur Lal, 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/731/2024, titled '*Yogesh Kumar Chorasiya Vs. Urmila Kumari*', filed by the respondent-husband, pending in the Family Court, Rewari and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

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



Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 20.02.2018. One son born from the said wedlock, who is about 7 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not doing any work and as such, has no source of earning. She, together with her minor son, is dependent upon her parental family. Even, she had got lodged an FIR bearing No.21 dated 18.01.2022, under Sections 323, 406, 498-A, 506 and 34 IPC and challan has since been presented and the respondent is facing trial qua the said FIR in the Courts at Gurugram. Besides the same, the applicant has also filed the petition under the Protection of Women from Domestic Violence Act i.e. DV/86/2022, which is also pending in the Courts at Gurugram and the respondent is making appearance in the same. Also further, it is submitted that the respondent-husband is working as Assistant/Non-Typist in Divisional Office-I of National Insurance Company Limited, SCO 41-43, Sector 31/32A, Gurugram and he daily commutes from Rewari to Gurugram, for the purposes of pursuing his job.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the respondent is already paying interim maintenance to the applicant and the minor child, to the extent of Rs.15,000/- per month. In the given circumstances, it is submitted that the applicant should not be having any objection to the litigation pending at Rewari.



In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, in case of transfer application relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. The prime consideration in the case in hand, is about the child, who is about 7 years old, to be in the care and custody of the applicant. The said child is living at Gurugram, along with her mother, who herself is not having any source of earning. Two other cases, arising from the matrimonial dispute, are already pending in the Courts at Gurugram, which are being pursued by the respondent. Besides the same, also it is pertinent to mention that the respondent is following his job in Gurugram, which fact as asserted by the applicant, has been admitted at the instance of the respondent.

Considering the aforesaid circumstances, though, it has been mentioned by the counsel for the respondent about the interim maintenance paid by the respondent, to the applicant, but this in itself does not counter the claim of inconvenience, for seeking transfer of the case. Financial supplement may be considered, but at the maximum, it can be one of the factors to adjudicate on the question of convenience of the wife, in case of transfer application relating the matrimonial dispute. The conduct of the respondent in the present case, itself reflects that though, he is following his job in Gurugram, but he is inclined to continue with the litigation, pending at Rewari, which in itself, establish about the malafide intention, on the part of the respondent, to harass the applicant.

In view of the aforesaid fact situation, the transfer application is



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allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/731/2024, titled '*Yogesh Kumar Chorasiya Vs. Urmila Kumari*', filed by the respondent-husband, stands transferred from the Family Court, Rewari, to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid case be sent by the Family Court, Rewari, to the District and Sessions Judge, Gurugram.

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

12.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No