



TA-1076-2023

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

Sr. No.101

TA-1076-2023

Date of Decision: 23.05.2025

MONIKA

....Applicant

Versus

ANUJ AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.S. Khurana, Advocate
for the applicant.

Ms. Gurpreet Kaur, Advocate for
Mr. Ankur Lal, Advocate
for respondent No.1 (sole contesting 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. HMA/504/2023, titled '*Anuj Vs. Monika and another*', filed by respondent No.1, pending in the Family Court, Jhajjar and she seeks transfer of the same to the Court of competent jurisdiction at Rewari.

Upon notice, the respondent made appearance through counsel. However, despite availing several opportunities, reply was not filed.



TA-1076-2023

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 30.03.2023, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant had filed the petition under Sections 12, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act i.e. DV/106/2023, as well as the petition under Section 125 Cr.P.C., which are pending in the Courts at Rewari and the respondent is pursuing both the said cases. Besides the same, the respondent is facing trial in the Courts at Rewari, relating to FIR bearing No.202 dated 20.10.2023, under Sections 323, 324, 354-A, 406, 498-A and 506 IPC, at Women Police Station Rewari. The particulars of the said FIR have been supplied by the counsel for the applicant, today itself, as in the application, there is a mention of the complaint filed against the respondent, at the relevant time.

Further, it is submitted that the applicant is not having any source of earning, on which account, she has filed the petition under Section 125 Cr.P.C.

On the other hand, the counsel for the respondent submits that the distance is only 60 kilometres and as such, the applicant can very well defend the divorce petition, while it remains pending at Jhajjar.

In view of the submissions aforesaid, it is pertinent to mention that there are several factors, which are required to be taken into consideration, while dealing with the transfer applications relating to the



TA-1076-2023

matrimonial disputes. The distance is one aspect, which ought to be taken into consideration. However, the extent of distance weighs the mind of the Court, while taking into consideration the various other aspects, such like, educational qualification of the parties; source of earning of the parties; as to which parent is having the custody of the children (if any); capacity of the parties to take care of the children (if any); the fact of other litigation pending and whether the same is pursued by the other party or not.

In the case in hand, the applicant is not having any source of earning. She has filed the petition under Section 125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Rewari and both the said cases are being pursued by the respondent. Besides the same, the respondent is facing trial relating to the FIR, as detailed aforesaid, in the Courts at Rewari.

Considering the aforesaid mitigating circumstances, the distance, as submitted by the counsel for the respondent, does not matter much.

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. HMA/504/2023, titled '*Anuj Vs. Monika and another*', filed by the respondent-husband, stands transferred from the Family Court, Jhajjar, to the Court of competent jurisdiction at Rewari. The requisite record of the aforesaid case be sent by the Family Court, Jhajjar, to the District and Sessions Judge, Rewari.



TA-1076-2023

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

23.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No