



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

Sr. No.101

**TA-995-2022
Date of Decision: 07.05.2025**

KOMAL TANEJA

....Applicant

Versus

DHEERAJ KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. R.S.Randhawa, Ms. Tarannum Madan and
Ms. Rajinder Kaur, Advocates
for the applicant.

Mr. Dinesh Arora, Advocate
for the respondent.

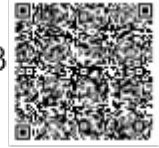
ARCHANA PURI, J. (Oral)

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/585/2022 titled "*Dheeraj Kumar v/s Komal Taneja*", filed by the respondent/husband, which is pending in the courts at Sonipat and she seeks transfer of the same to the court of competent jurisdiction at Faridabad.

Upon notice, the respondent made appearance through counsel and filed the 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 was solemnized on 20.05.2022. The applicant is working as Assistant Professor at J.C.Bose University of Science and Technology, YMCA, Faridabad. However, soon after the marriage of the parties to the lis, the matrimonial dispute arose



between them and the applicant, as such, is residing separate. The applicant has also got lodged an FIR No. 106 dated 26.09.2022 under Sections 406, 498-A, 323, in which challan has been presented and is pending in the courts at Faridabad. Besides the same, the applicant has filed petition under Section 12 of Protection of Women from Domestic Violence Act and the petition under Section 125 Cr.P.C., which are pending in the courts at Faridabad and the respondent is making appearance in all the aforesaid three cases.

It is further submitted that the applicant had filed a Civil Suit i.e. CS/3259/2022 against the respondent, which has since been withdrawn by the applicant. Also, it is submitted that the respondent is working with some corporate haul, but however, the particulars, as such, are not available with the applicant. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100 kms to defend the divorce petition, more particularly, when all the other three cases, are pending in the courts at Faridabad.

On the other hand, counsel for the respondent, while making reference to the reply, submitted that the application has been filed with wrong assertions. In fact, the applicant is indulging into false litigation against the respondent.

Though the kind of avocation followed by the respondent, as such, was not mentioned in the reply, on query by the court, counsel for the respondent submitted that the respondent is working in some managerial capacity in some company. However, he is not aware of the name of the company, but he states that he is working in Noida only. Although, he submits that the company is now in the process of shifting to Indore, but there is nothing, as such, coming on record with regard to this vocation



followed by the respondent and workplace was also not been disclosed.

In view of the submissions aforesaid, though the courts lean towards the convenience of the wife, in case of transfer applications, relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances coming forth, have to be taken into consideration. There is no disclosure made by the respondent, with regard to the source of his earning and his workplace. However, it is disclosed by the counsel for the respondent that the respondent is working at Noida, which is nearer to Faridabad and the respondent is also making appearance in three other cases, which are pending in the courts at Faridabad.

Considering all the aforesaid circumstances, it is just and expedient to allow the transfer application. Hence, the transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/585/2022 titled "*Dheeraj Kumar v/s Komal Taneja*", filed by the respondent/husband, stands transferred from the Family Court, Sonapat, to the Court of competent jurisdiction at Faridabad. The requisite record of the aforesaid case be sent by the Family Court, Sonapat, to the District and Sessions Judge, Faridabad.

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

07.05.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No