



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-848-2024(O&M)
Date of Decision: December 10, 2024

Aakriti Nag
...Applicant

Versus

Akshay Sharma
...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Mohit Singla, Advocate
for the applicant.

Mr.Dhruv Gupta, Advocate
for the respondent.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of petition i.e. HMA-4-2024, titled as ‘Akshay Sharma vs. Aakriti Nag, under Section 13 of the Hindu Marriage Act, filed by the respondent-husband, pending in Family Court Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

In pursuance of the notice issued by the Court, the respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the



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applicant that the marriage between the parties to the lis, had taken place on 08.12.2022. However, no child was born from the said wedlock. On account of matrimonial discord, the parties are residing separate.

Also, it is submitted that the applicant is Dental Surgeon and is presently residing in Chandigarh. It is further submitted that the applicant is doing job at DentoCare XL, Sector-35 Chandigarh and earning Rs.25,000/- per month, out of which, she is paying Rs.16,000/- per month, as rent, for her residential accommodation. Also, it is submitted that there is no male member to accompany the applicant to Ambala to defend the divorce petition.

On the other hand, learned counsel for the respondent has resisted the claim of the applicant for transfer of the divorce petition. It is submitted that Ambala is well connected to Chandigarh and the applicant is also a working lady, who has enough funds in her hand to defend the divorce petition.

Though, time and again, it is held by the Courts about preference to be given to the convenience of the wife, in case of transfer application, arising out of matrimonial dispute, but however, the same is not a thumb rule. In the given case, the applicant is Dental Surgeon and is doing job in Chandigarh, which is well connected to Ambala, where the divorce petition is pending.

Considering the applicant to be a working lady and being financially independent and also keeping the fact of Ambala to be well connected to Chandigarh and further keeping in view the fact that no child



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has born from the said wedlock, no case is made out for transfer of the divorce petition, as pleaded in the transfer application.

Hence, the present transfer application is hereby dismissed.

December 10, 2024
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No