

TA-1210-2023

1

2024:PHHC:102622



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

Sr. No.106

TA-1210-2023

Date of Decision: 08.08.2024

MANSI SHARMA @ URVASHI

....Applicant

Versus

AMAN SHARMA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pradeep Panwar, Advocate
for the applicant.

Mr. Viresh Dahiya, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the divorce petition i.e. HMA/456/2021, titled '*Aman Sharma Vs. Mansi Sharma @ Urvashi Sharma*' (Annexure P-1), filed at the instance of respondent-husband, pending in the Family Court Panchkula, to the Court of competent jurisdiction at Karnal.

In pursuance of the notice issued, 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 applicant that the marriage of the parties to the lis had taken place on 30.01.2013 and a son, namely, Aditya Sharma, was born from the said wedlock, who is presently, in the care and custody of the applicant. However, due to matrimonial dispute, the parties are residing separate.

Further, it is submitted that the applicant had filed the petition under Section



TA-1210-2023

125 Cr.P.C., which is pending in the Courts at Karnal. In the given circumstances, it is submitted that it is difficult for the applicant to defend the divorce petition, more particularly while taking care of the minor child, residing with her. As such, a prayer is made for transfer of the divorce petition from Family Court Panchkula, to the Court of competent jurisdiction at Karnal.

On the contrary, learned counsel for the respondent has refuted the claim of the applicant. While making reference to the reply, which is in the form of affidavit, it is submitted by the counsel that the divorce petition is pending since 23.10.2021. However, the petition under Section 125 Cr.P.C. was filed by the applicant in the Courts at Karnal, on 25.08.2023. In the divorce petition, the applicant did not file reply, despite repeated adjournments and the same was filed in October, 2023, only after imposition of costs by learned Family Court, Panchkula. Furthermore, it is also submitted that the father, as well as the brother of the applicant, are practising as Advocates in District Court, Karnal and wield much influence in District Bar Association, Karnal. In the given circumstances, it is submitted that it would not be difficult for the applicant-wife to defend the divorce petition, pending at Panchkula, as her immediate family members are in legal profession. Rather, the transfer of the divorce petition from Family Court Panchkula, to the Courts at Karnal, shall prove to be disadvantageous to the respondent, as father and brother of the applicant are members of the local Bar.

In the light of the aforesaid submissions made, it is required to be taken into consideration that it has been reiterated by the Courts time and again, that while dealing with the transfer of the matrimonial cases, the



convenience of the wife ought to be taken into consideration, but however, it is not the thumb-rule. Various other circumstances, coming forth, ought to be taken into consideration, while considering the convenience of the wife.

In the given case, it is evident from the reply that the father and brother of the applicant are the Advocates, practising in the Courts at Karnal. The applicant has not disclosed this fact in her application. The application in hand has been filed for seeking transfer of the case from Family Court Panchkula, to the Courts at Karnal. In the given circumstances, definitely, the father and brother, being in legal profession, are bound to have some influence over the local Bar and the same may prove disadvantageous to the respondent-husband. Considering the immediate family members of the applicant in legal profession, it shall not be difficult for her to defend the divorce petition, pending in the Courts at Panchkula.

Keeping in view the aforesaid fact situation, this Court does not deem it appropriate to transfer the divorce petition i.e. HMA/456/2021, titled '*Aman Sharma Vs. Mansi Sharma @ Urvashi Sharma*' (Annexure P-1), filed at the instant of the respondent-husband, to the Courts at Karnal.

Consequently, the transfer application is hereby dismissed.

08.08.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No