



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

Sr. No.110

TA-114-2024 (O&M)

Date of Decision: 10.03.2025

POOJA

....Applicant

Versus

NITESH AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Divyam Singh, Advocate
for the applicant.

None 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. DMC/945/2023, titled '*Nitesh Vs. Pooja*', filed by the respondent-husband, pending in the Family Court, Sonipat and she seeks transfer of the same to the Court of competent jurisdiction at Panipat.

In pursuance of the notice issued, respondent No.1, who is the sole contesting respondent, did not make appearance, despite service, as observed in the order dated 03.02.2025. Even today, none has made



appearance on his behalf. As such, respondent No.1 is proceeded against *ex parte*.

Learned counsel for the applicant 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 17.01.2018. One girl child born from the said wedlock, who is about 3 years old, is in the care and custody of the respondent-husband. On account of the matrimonial discord, the parties are residing separate. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 40 kilometres, to defend the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that even though, the Courts give preference to the convenience of the wife, in the transfer applications, relating to the matrimonial dispute, but however, the same is not a thumb rule. Many other circumstances, spelt out from the material coming forth, also ought to be taken into consideration. In the case in hand, one girl child born from the wedlock of the parties, is in the care and custody of the respondent-husband.

On query by the Court, the counsel for the applicant has expressed his inability, to make submission with regard to the vocation followed by the respondent. Given the same, when the respondent-husband is taking care of the daughter, who is about 3 years old, it is obvious that it ought to be difficult for the respondent also, to pursue the divorce petition, if so transferred.

Considering the balance of convenience/inconvenience of both the parties, more particularly, when the respondent-husband is having the



custody of the 3 year old daughter, no case is made out for transfer of the divorce petition to a place, which is only 40 kilometres away from the place, where the case is pending, that too at G.T. Road, which has a well-connected transport system.

Hence, the transfer application is hereby dismissed.

Pending application also stands disposed of.

10.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No