



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

Sr. No.117

**TA-109-2025 (O&M)
Date of Decision: 28.08.2025**

PRIYANKA

....Applicant

Versus

MAHESH SHARMA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Gourav Pal, Advocate
for the applicant.

Mr. Rajesh Duhan, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

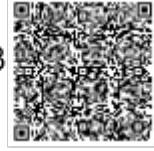
CM-15812-CII-2025

The present application has been filed for placing on record the affidavit of the applicant, in consonance with the order dated 09.07.2025, passed by this Court.

In view of the averments made in the application, same is allowed and the requisite affidavit is taken on record.

MAIN CASE

At this stage, counsel for the respondent submits that he does



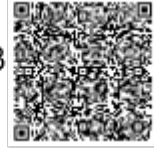
not want to file reply to the transfer application, though he contests the same.

Counsel for the parties heard.

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/1310/2024, titled '*Mahesh Sharma Vs. Priyanka*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Panipat.

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 22.01.2017. Two children born from the said wedlock, who are about 7 years old and 4 years old, are in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant was turned out of the matrimonial house, along with the children. She has already filed two cases i.e. 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 Panipat and the respondent is making appearance in the same. Also, the counsel submits that even though, the applicant was not working, at the time when the application was filed, but however, later on, she had started working and is employed on the post of Executive Assistant in the company, namely, Gaba Overseas. She is drawing a salary of Rs.10,000/- per month. The distance between the two stations is stated to be about 40 kilometres.

Though the reply has not been filed, but however, counsel for the respondent submits that the distance is not such, which shall cause inconvenience to the applicant, to defend the litigation. Furthermore, she is



earning hand and even from this extent of distance, can very well pursue the litigation. Even, it is submitted that the respondent is unemployed.

In view of the submissions aforesaid, it is pertinent to mention that apart from the convenience of wife, while considering the transfer application relating to the matrimonial dispute, various other circumstances are also to be taken into consideration. In the case in hand, though the distance is not such, which solely makes out a ground for transfer of the divorce petition, but however, there are other compelling circumstances. Two children born from the said wedlock, who are of tender age, are in the care and custody of the applicant. The applicant has filed the maintenance petition, as well as the petition under Section 12 of Protection of Women from Domestic Violence Act, which are pending in the Courts at Panipat and the said litigation is pursued by the respondent. Considering the same, if the extent of earnings of the applicant is taken into consideration, the same is also not to such a extent, which would be sufficient for upbringing of the children. No maintenance, as such, has been paid by the respondent, even for his children.

Considering the aforesaid circumstances, more particularly, considering the fact of two other cases already pending in the Courts at Panipat, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1310/2024, titled '*Mahesh Sharma Vs. Priyanka*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court, Karnal to the District and Sessions Judge, Panipat.



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

28.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No