



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

Sr. No.112

**TA-152-2024 (O&M)
Date of Decision: 05.03.2025**

DEEPIKA ARORA

....Applicant

Versus

GIRISH ARORA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Dhruv Gupta, Advocate
for the applicant.

Mr. D.K. Prajapati, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-3785-CII-2025

The present application has been filed by the respondent, for placing on record the reply to the transfer application.

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

Main case

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/06/2024, titled '*Girish Arora Vs. Deepika Arora*', filed by the respondent-husband, pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Ambala.

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

Learned counsel for the parties heard.



TA-152-2024 (O&M)

At the very outset, the counsel for the applicant has submitted that the marriage between the parties to the lis, had taken place on 14.12.2006. Two children were born from the said wedlock, who are in the age group of 9-16 years and they are in the care and custody of the applicant. Also, it is submitted that the applicant is not having any source of earning and is totally dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT/276/2021 and the petition under the Protection of Women from Domestic Violence Act i.e. DV/154/2021, which are pending in the Courts at Ambala and the respondent is pursuing both the said cases. In the given circumstances, considering the crucial age of the children and the applicant having no source of earning, it is submitted that it is difficult for her to commute a distance of about 239 kilometres, to defend the divorce petition.

On the contrary, the counsel for the respondent while making reference to the reply filed, submits that the respondent is doing a petty job. Even, his ailing mother is living with him and as such, it will be difficult for him also, to commute a distance of 239 kilometres, if the transfer application is allowed.

In view of the submissions aforesaid, it is pertinent to mention that even though, the position of law is that preference ought to be given to the convenience of the wife, in case of transfer applications relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances, spelt out from the material coming, also ought to be taken into consideration. Circumstantial flexibility ought to be there and the balance has to be maintained with regard to the convenience/inconvenience of the either side.



TA-152-2024 (O&M)

In the case in hand, the distance between the two place is about 239 kilometres, which definitely would be causing inconvenience to either side, if the case is transferred or not. Taking into consideration the same, considering the fact about both the children to be living with the applicant, who are in the crucial age-group and also considering the fact of the applicant not having any source of earning, it was suggested by the Court to both the counsel, about the transfer of the divorce petition, at some mid-point between Faridabad and Ambala. The offer so made, is acceptable to both the counsel.

In view of the aforesaid fact situation and in the fitness of the convenience of both the sides, the transfer application is partly allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/06/2024, titled '*Girish Arora Vs. Deepika Arora*', filed by the respondent-husband, stands transferred from the Family Court, Faridabad, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court, Faridabad, to the District and Sessions Judge, Panipat.

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.

05.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No