



TA-236-2024

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

Sr. No.102

**TA-236-2024 (O&M)
Date of Decision: 28.11.2025**

BARKHA SONI

....Applicant

Versus

SAHIL VERMA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vaibhav Jain, Advocate
for the applicant.

Mr. Vipul Aggarwal, Advocate
for the 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. HMA/1128/2023, titled '*Sahil Vs. Barkha*', filed by the respondent-husband, pending in the Family Court, Gurugram and she seeks transfer of the same to the Court of competent jurisdiction at Narnaul.

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

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties, had taken place on



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01.12.2021. One daughter born from the said wedlock, who is about 2½ years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and as such, is dependent upon her parental family. Also, she has filed the petition under Sections 18, 19, 20, 22 & 23 of the Prevention of Women from Domestic Violence Act, 2006 and the petition under Section 125 of Cr.P.C., which are pending in the Courts at Narnaul, at appearance stage. The distance between the two places is asserted to be about 115 kilometres.

On the other hand, counsel for the respondent, while making reference to the reply, in the form of affidavit of the respondent, submits that the applicant had concealed the material facts. In fact, she had left the matrimonial home of her own. She has concealed the source of livelihood adopted by her. In fact, she indulges in giving tuitions and is also running a beauty parlour and earning Rs.18,000/- per month. In the given circumstances, it is submitted that since she is well-qualified, she can very well defend the divorce petition, while it remains pending at Gurugram.

In view of submissions aforesaid, it is pertinent to mention that in transfer application, relating to matrimonial dispute, the Courts generally lean towards the convenience of the wife, but however, the same is not a thumb rule. Various other circumstances spelt out, which counter the claim for transfer of the matrimonial litigation, also have to be taken into consideration. In the reply, though, the respondent has asserted about indulgence of the petitioner, in the tuition work and running of beauty



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parlour and earning Rs.18,000/- per month, but however, there is no material as such, brought on record to substantiate this averment. Considering the contents of the reply, even the applicant, while moving separate application i.e. CM-16004-CII-2025, had brought on record the affidavit i.e. Annexure P-4, wherein, she has categorically stated that she is not employed and has no source of income to support herself and her 2½ years old daughter. In the given circumstances, the assertion so made, at the instance of the respondent, is bereft of merits, as there is no supporting material brought on record. Anyway, it is one fact, which ought to be considered and other weighing factor, relevant for the present case, is the custody of 2½ years old daughter, with the mother/applicant, more particularly, while she herself is having no source of earning. Moreover, there are other two litigations arising from this matrimonial dispute, which are already pending in the Courts at Narnaul. The distance, of course, being 115 kilometres, is also a material fact, which ought to be taken into consideration, while watching the 'best interest' of the minor child, who is in the custody of the mother.

Considering the above facts and circumstances, it is appropriate to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1128/2023, titled '*Sahil Vs. Barkha*', filed by the respondent-husband, stands transferred from the Family Court, Gurugram, to the Court of competent jurisdiction at Narnaul. The requisite record of the aforesaid case be sent by the Family Court, Gurugram, to the District and Sessions Judge, Narnaul.



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

28.11.2025
Preeti S.

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No