



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

Sr. No.107

TA-319-2024

Date of Decision: 05.09.2025

PRIYANKA KAUSHIK

....Applicant

Versus

SIDDHARTH KAUSHIK

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kamal Kant Verma, Advocate
for the applicant.

Mr. Balwinder Singh, Advocate for
Mr. Jagdeep Singh, 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, titled '*Siddarth Kaushik Vs. Priyanka Kaushik*', filed by the respondent-husband, pending in the Family Court, Sonapat and she seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar.

Upon notice, the respondent made appearance through counsel and filed reply.

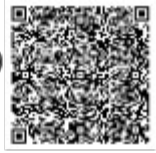
Counsel for the parties heard.



At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 17.02.2021, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. At the time of marriage, the applicant was working as 'Academic Associate' in the Indian Institute of Management at Udaipur (Rajasthan). However, after marriage, she was not working. The respondent is stated to be a practising Advocate at Supreme Court of India. Furthermore, it is also submitted that the applicant is now working in Indian School of Business at Mohali Campus, at a salary of Rs.65,000/- per month.

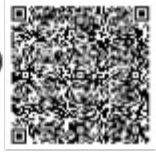
Further, it is submitted that the applicant, at first instance, filed complaint to the Senior Superintendent of Police, SAS Nagar, regarding harassment, demand of dowry etc. etc., copy whereof is Annexure A-1. On query by this Court, it is submitted by the counsel for the applicant that said complaint has since been consigned and thereafter, the applicant had filed an application under Section 175 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, whereupon the proceedings are now pending in the Courts at SAS Nagar. Also, it is submitted that during the pendency of the present application, the applicant had also filed the petition under the Protection of Women from Domestic Violence Act, which is also pending in the Courts at SAS Nagar. Furthermore, it is submitted that such being the circumstances, it is difficult for the applicant, to commute to Sonapat, to defend the divorce petition.

On the other hand, counsel for the respondent, while making reference to the reply filed, submits that the applicant is a well-educated lady. She is also financially independent, as she is doing job. The litigation,



as asserted by the applicant, was only initiated after filing of the divorce petition. Furthermore, it is submitted that Sonapat is situated at G.T. Road, and there should not be any difficulty for the applicant, to pursue the litigation, even if, it remains pending at Sonapat, as it is of civil nature, which does not require the presence of the parties on each and every date of hearing.

In view of the rival submissions aforesaid, it is pertinent to mention that though, the Courts generally lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute, but however, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, there is no child born from the wedlock of the parties. Apart from it, the applicant is an educated woman, who was doing job, even at the time of her marriage. Now also, she is doing job in Indian School of Business, Mohali Campus and having a salary of Rs.65,000/- per month. Though, it is submitted that the petition under the Protection of Women from Domestic Violence Act, is pending, but however, relating to the same, no document has been brought on record. In any case, even if it is so pending, it is required to be taken into consideration that the pending litigation at Sonapat is of civil nature, which do not call for presence of the parties, on each and every date of hearing. Considering the applicant to be an educated and confident lady, who is doing a respectable job and has good earnings, there should not be any inconvenience caused to her, due to which, it becomes difficult for her to pursue the litigation, which is pending at Sonapat. Moreover, the road connectivity of the two places is also quite good, which is not bound to cause any inconvenience to the



applicant. Otherwise also, she has an option to file an application before the Court concerned, to seek permission for making appearance through virtual mode, as and when required.

In view of the aforesaid circumstances, this Court is not inclined to accept the application.

Hence, the transfer application is hereby dismissed.

05.09.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No