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2025:PHHC:069986



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

Sr. No.113

TA-285-2025

Date of Decision: 23.05.2025

MAYANK SONI

....Applicant

Versus

SAKSHI SONI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mohit Sadana, Advocate
for the applicant
(through video conferencing).

Mr. Kamaldip Singh Sidhu, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Mr. Kamaldip Singh Sidhu, Advocate, has made appearance on behalf of the respondent-wife and filed Power of Attorney, which is taken on record. At this stage, the counsel for the respondent submits that, in view of the order passed by Hon'ble Supreme Court, copy whereof is Annexure P-4, he does not intend to file reply to the transfer application.

The counsel for the parties heard.

The present application has been filed by the applicant-husband, for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/173/2024, titled '*Mayank Soni Vs. Sakshi Soni*', filed at his



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instance. The divorce petition is pending in the Family Court (Camp Court) Kharar, District SAS Nagar and the applicant seeks transfer of the same to the Court of competent jurisdiction at Chandigarh, on the assertion that he is a resident of Hoshangabad, Madhya Pradesh and Chandigarh is more suitable to him, to come here to defend the litigation.

It is pertinent to mention that initially, the divorce petition, copy whereof is Annexure P-1, was filed by the applicant at Itarsi, Madhya Pradesh. The respondent-wife had sought transfer of the same, by way of filing Transfer Petition (Civil) No.1694 of 2023, before Hon'ble Supreme court. Vide order dated 01.03.2024, the Hon'ble Supreme Court had transferred the divorce petition i.e. RCS HM/63/2023, from the Court of District & Sessions Judge, Itarsi (First Division), Hoshangabad, Madhya Pradesh, to the Court of Principal Judge, Family Court, District SAS Nagar.

After transfer of the divorce petition, the same is stated to be pending in the Family Court (Camp Court) Kharar, District SAS Nagar. Keeping in view the tone and tenor of the order passed by Hon'ble Supreme Court, it would be appropriate, if the divorce petition continues further at SAS Nagar, instead of Family Court (Camp Court) Kharar. So far as, the request for Chandigarh is concerned, it hardly makes a difference, as SAS Nagar is also a part of the tricity and the Courts are at the periphery of Chandigarh. Considering the same, the request for transfer of the divorce petition to Chandigarh, is hereby declined.

However, in compliance of the order passed by Hon'ble Supreme Court, copy whereof is Annexure P-4, the transfer application is partly allowed and the petition under Section 13 of the Hindu Marriage Act



i.e. HMA/173/2024, titled ‘*Mayank Soni Vs. Sakshi Soni*’, stands transferred from the Family Court (Camp Court) Kharar, to the Court of competent jurisdiction at SAS Nagar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Kharar, to the District and Sessions Judge, SAS Nagar.

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

23.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No