



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

TA-324-2025 (O&M)
Date of Decision: November 19, 2025

SUMAN

...Applicant

Versus

NAVEEN KUMAR

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Sandeep Kumar, Advocate
for the applicant.

Mr. Manpreet Singh Sidhu, Legal Aid counsel
for the respondent.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, titled '*Naveen Kumar vs. Suman*', pending in the Family Court, Jhajjar and she seeks transfer of the same to the Court of competent jurisdiction at Loharu, District Bhiwani.

In pursuance of the notice issued, the respondent made appearance through legal aid 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 25.10.2020 and one child born from the said wedlock, who is about 3 years,

is in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she is dependent upon her parental family. The applicant has filed petition under Section 125 Cr.P.C., which is pending in the Courts at Loharu and the respondent is making appearance in the same. Besides the same, petition under Protection of Women from Domestic Violence Act has also been filed, which is pending in the Courts at Loharu. Further, it is submitted that challan has been presented against the respondent in case FIR No.33 of 2023 under Sections 323, 342, 406, 498-A, 506 and 34 IPC, which is now pending in the Courts at Loharu. The distance between the two places is stated to be 135 kms.

On the other hand, legal aid counsel for the respondent submits that in the maintenance petition, the respondent, who is already making appearance and is making payment of interim maintenance @ Rs.7000/- per month. As such, it is submitted that no case is made out for the acceptance of the transfer application.

In view of the aforesaid submissions, it is pertinent to mention that the courts generally lean towards the convenience of the wife, while adjudicating on 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.

Though, it is emphatically submitted by the legal aid counsel that the respondent is paying maintenance to the applicant, but however, may it be so, this is one factor, which ought to be taken into consideration.

Considering the age of the child, it is definitely bound to be inconvenient for the applicant to travel the distance of about 135 kms. Moreover, three other litigation, are already pending in the courts at Loharu. The respondent is pursuing the maintenance petition, though he has not made appearance in the petition under Section 12 of Protection of Women from Domestic Violence Act, as yet. Besides the same, challan has already been presented in the criminal case, wherein, he is required to make appearance on each and every date of hearing.

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

Sonu Saini

Yes

Yes/No