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2023:PHHC:167097



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

Sr. No.109

TA-401-2024

Date of Decision: 06.05.2025

SAVITA

....Applicant

Versus

DEVEN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sumit Sangwan, Advocate
for the applicant.

Mr. Sumit Sharma, 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. DMC/137/2024, titled '*Deven Vs. Savita*', filed by the respondent-husband, pending in the Family Court, Bhiwani and she seeks transfer of the same to the Court of competent jurisdiction at Charkhi Dadri.

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

The 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 27.05.2015. One son born from the said wedlock, who is about 8 years old, is in the care and custody of the applicant. The applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. and the complaint under



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Sections 498-A, 323, 406, 506 and 34 IPC i.e. COMI/103/2017, which are pending in the Courts at Charkhi Dadri. Besides the same, she has also filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Charkhi Dadri. All the aforesaid three cases are pursued by the respondent. As such, a prayer has been made for acceptance of the transfer application.

On the other hand, the counsel for the respondent has resisted the claim for transfer of the divorce petition. He submits that the distance between the two places is only 30 kilometres and therefore, it shall not be difficult for the applicant, to pursue the divorce petition, as it is. Furthermore, it is submitted that the respondent is the only son of his parents, whereas, his sister is married. In fact, the parents of the respondent are having age-related health issues. Therefore, it shall be difficult for the respondent also to pursue the divorce petition, if so transferred.

In view of the submissions aforesaid, it is pertinent to mention that generally the Courts lean towards the convenience of wife in the transfer applications relating to the matrimonial disputes. Various other circumstances spelt out, also have to be taken into consideration. The son born from the wedlock of the parties, who is about 8 years old, is in the care and custody of the applicant and the applicant is not having any source of earning. Though, the respondent has asserted that his parents are having age-related health issues, but however, the same also has to be taken into consideration, while considering the aforesaid mitigating circumstances, as coming forth at the instance of the applicant.

In view of the aforesaid fact situation and also making the balance of convenience between both the sides, the transfer application is



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allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/137/2024, titled '*Deven Vs. Savita*', filed by the respondent-husband, stands transferred from the Family Court, Bhiwani, to the Court of competent jurisdiction at Charkhi Dadri. The requisite record of the aforesaid case be sent by the Family Court, Bhiwani, to the District and Sessions Judge, Charkhi Dadri.

Learned District and Sessions Judge, Charkhi Dadri, to ensure that the divorce petition is transferred to the same Court, where other cases arising from the matrimonial dispute, are already pending. The Court concerned shall preferably adjourn all the cases, for one and the same date, so far as possible. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

06.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No