



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

Sr. No.206**TA-357-2025****Date of Decision: 19.11.2025****MAMTA RANI****....Applicant****Versus****VINESH BATRA****Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI****Present:-** Mr. Abhishek Goyal, Advocate for the applicant.

Ms. Archana Chauhan, 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/92/2025, titled '*Vinesha Batra v/s Mamta Rani*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Faridabad.

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

Counsel for the parties heard.

At the very outset, it is submitted that the marriage between the parties had taken place on 10.07.2018, but no child was born from the said wedlock. The applicant is not having any source of earning and is dependent upon her parental family. She has filed the petition under Section 125 Cr.P.C. as well as petition under Section 12 of Protection of Women from Domestic Violence Act, which are pending in the courts at Faridabad and the respondent is making appearance in the same. Besides the same, the



respondent is facing trial, relating to the FIR, registered under Section 498, 406, 323 IPC in the courts at Faridabad. The distance between the two places is stated to be 156 kilometres.

On the other hand, counsel for the respondent has refuted the claim for the transfer of the divorce petition. In fact, while making reference to paragraph No.3 of the reply, it is submitted that false assertions have been made in the application. It is submitted that there was dispute between the respondent and the brother of the applicant, with regard to an amount of Rs.29,00,000/- given by the respondent to the brother of applicant, after availing loan. In the given circumstances, it is submitted that since the total amount, as such, was not returned, the dispute had taken place between the parties.

In response, counsel for the applicant submits that falsely it is submitted that the said amount was borrowed by the brother of the applicant. In fact, it was the demand raised at the instance of the respondent, which was being fulfilled, from time to time.

In view of the submissions aforesaid, it is pertinent to mention that the courts generally lean towards the convenience of the wife, while considering the transfer application, relating to the matrimonial dispute. Various other circumstance brought on record, also ought to be taken into consideration. Though, in the case in hand, there is no child born from the wedlock of the parties to the *lis.*, but however, the applicant is not having any source of earning. Three cases relating to this matrimonial dispute, are already pending against the respondent in the courts at Faridabad and the respondent is making appearance in the same, more particularly, the criminal case, wherein he is required to make appearance, on each and every date of



hearing. Also, the distance between the two places, where the petition is pending and where it is sought to be transferred, is about 156 kilometres.

Even though, mention is made to the financial dispute between the parties, but however, whether there is any such dispute or not and the outcome of the same, this court while dealing with the transfer roster, cannot comment upon the same and the said aspect will be looked into by the court concerned, in the appropriate proceedings, if so pending, between the parties.

In view of the aforesaid fact situation and considering the distance, as well as the fact of three other cases already pending in the courts at Faridabad and above it, considering the fact about the applicant having no source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/92/2025, titled '*Vinesha Batra v/s Mamta Rani*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Faridabad. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Faridabad.

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

19.11.2025

Sonu Saini

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No