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2025:PHHC:154848



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

Sr. No.109

TA-460-2025

Date of Decision: 11.11.2025

NAMRATA DODEJA

....Applicant

Versus

VARUN KUMAR BHARDWAJ

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Abhinav Rawal, Advocate
for the applicant.

Respondent-in-person.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/358/2023, titled '*Varun Kumar Bhardwaj Vs. Namrata Dodeja*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Karnal.

In pursuance of notice issued, the respondent made appearance in person and filed reply.

Counsel for the applicant, as well as the respondent, who is present in person, 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 15.04.2019. This was second marriage of both the applicant, as well as the respondent. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is working as an 'on call consultant doctor



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(Gynecologist)' in Assandh, District Karnal. She is taking care of the daughter, aged about 12 years, born from her first marriage and also of the son, aged about 4 years, born from the wedlock of the parties. On account of this broken marriage, the applicant has also got lodged an FIR bearing No.52 dated 11.04.2023, at Women Police Station, Karnal, wherein challan has been presented and the respondent is facing trial in the same, in the Courts at Karnal. Besides the same, she has also filed the maintenance petition i.e. MNT/45/2023, as well as the petition under the Protection of Women from Domestic Violence Act i.e. COMA/188/2023, which are pending in the Courts at Karnal. The respondent is making appearance in all the aforesaid cases. Also, the respondent had filed the guardianship petition i.e. GW/48/2023, which is also pending in the Courts at Karnal. Besides the same, counsel submits that three complaints i.e. COMI/11/2025, COMI/36/2025 and COMI/35/2025, have been filed against the relatives of the applicant by the respondent, which are also pending in the Courts at Karnal.

In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 75 kms., to defend the petition under Section 9 of the Hindu Marriage Act, more particularly, while taking care of two minor children, one of whom is grown up daughter, born from the first marriage of the applicant.

On the other hand, the respondent, who is making appearance in person, resists the claim for transfer of the case. In fact, he submits that he is interested for rehabilitation of the applicant, but however, the applicant is not interested to continue with this marriage. Furthermore, it is submitted that the applicant had not disclosed the complete particulars of the place of



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her residence. In fact, it is submitted that she is residing at Assandh, which is her workplace also. Even, it is submitted that the applicant is an 'on call doctor' and therefore, it should not be difficult for her to defend the litigation, even if it remains pending in the Courts at Karnal. Also, it is submitted that the applicant is a well-educated and financially affluent person. As such, it is submitted that no case is made out for acceptance of the transfer application.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute, though it may not be a thumb rule. Various other circumstances, as spelt out from the material brought on record, ought to be taken into consideration. Each case has to be decided in its own factual background and one distinctive circumstance, may change the decision of the transfer application.

In the case in hand, there are two children i.e. one teenage daughter born from the first marriage of the applicant and one son, aged about 4 years, born from the wedlock of the parties and they are being taken care of by the applicant. No doubt, the applicant is working as an 'on call doctor' and as such, is bound to be financially independent, but however, the most weighing factor in the case in hand, is the applicant taking care of two minor children, while pursuing her job. From the estranged marriage, there is other litigation also, pending between the parties. Besides facing trial in the criminal case, the respondent is also making appearance in three cases i.e. maintenance petition, the petition under the Protection of Women from Domestic Violence Act, filed by the applicant, as well as the guardianship petition, filed by him. All the said cases are pending in the Courts at Karnal.



On query by this Court, it is brought to the notice of this Court by the respondent, who is making appearance in person, that three complaints, as detailed aforesaid, are not related to this matrimonial dispute. In fact, it is submitted by the respondent that the said complaints were filed against the Advocate, as well as the public prosecutor and he is appearing in the said complaints, only as a counsel. May it be so. In fact, it is evident that the respondent is pursuing the said complaints in the Courts at Karnal, may be as a counsel.

Considering the aforesaid factual position and more particularly, considering the fact about applicant looking after two minor children, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/358/2023, titled '*Varun Kumar Bhardwaj Vs. Namrata Dodeja*', filed by the respondent-husband, stands transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court, Ambala, to the District and Sessions Judge, Karnal.

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

The Court(s) concerned shall make an endeavour to adjourn all the cases, for one and the same date.

11.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No