

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

Sr. No.204**TA-475-2025****Date of Decision: 14.11.2025****PRIYA RANI MEHRA****....Applicant****Versus****PANKAJ KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Varun Aryan Sharma, Advocate
for the applicant.

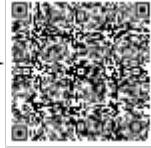
Mr. Chander Shekhar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

At this stage, counsel for the respondent submits that he does not want to file reply to the transfer application, though, he contests the same.

Counsel for the parties heard.

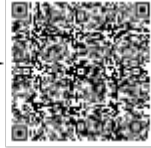
The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/755/2021, titled '*Pankaj Kumar Vs. Priya Rani*', filed by the respondent-husband, pending in the Family Court, Kurukshetra and she seeks transfer of the same to the Court of competent jurisdiction at Ambala.



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 24.11.2016, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning. Even, she had filed the petition for seeking maintenance, which was allowed by learned Family Court. However, the respondent did not make the payment of arrears of maintenance, as a result whereof, the applicant had filed the execution i.e. CRM/390/2022, which has since been disposed of. Furthermore, it is submitted that she had filed the petition to seek enhancement of maintenance. Even, she has got lodged an FIR, wherein the respondent faced trial. However, learned trial Court had acquitted the respondent. Now, the applicant has filed the appeal i.e. CRA/109/2025, which is still pending adjudication in the Courts at Ambala. Also, the applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is still pending adjudication in the Courts at Ambala. The respondent is making appearance in all the aforesaid cases.

Furthermore, it is submitted by the counsel for the applicant that the respondent is in arrears of maintenance, amounting to more than Rs.2,00,000/- and also, he is in arrears of rent, as ordered by the Court in the petition under the Protection of Women from Domestic Violence Act. The distance between the two places is stated to be about 55 kms.

On the other hand, though, the counsel for the respondent has not filed reply, but however, he submits that the distance is only about 40-45 kms. Also, it is submitted that the applicant is also not residing at her



parental place. In fact, she is residing separate, solely on account of availing the rent, as ordered by the Court, in the pending petition filed under the Protection of Women from Domestic Violence Act.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application relating to the matrimonial dispute, various factors ought to be taken into consideration. Though, at first instance, the Court generally lean towards convenience of the wife, while considering such kind of applications, but however, the same is not a thumb rule. Various other circumstances, ought to be taken into consideration. In the case in hand, the most relevant factor is that the applicant is not having any source of earning. Four cases initiated at the instance of the applicant, are already pending in the Courts at Ambala and the respondent is making appearance in the same. Even though, maintenance was fixed by learned Family Court, but however, the respondent is in arrears of maintenance, as well as the extent of rent, as ordered by the Court in the petition under the Protection of Women from Domestic Violence Act. In the given circumstances, though, much emphasis has been laid upon the extent of distance to be 45 kms., but however, the distance is one aspect, which ought to be taken into consideration.

In view of the aforesaid fact situation, taking into consideration all the aforesaid litigation and looking at the conduct of the respondent, in not paying the arrears of maintenance, despite the order passed by learned Family Court, as well as considering the fact of 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/755/2021, titled '*Pankaj*



Kumar Vs. Priya Rani’, filed by the respondent-husband, stands transferred from the Family Court, Kurukshetra, to the Court of competent jurisdiction at Ambala. The requisite record of the aforesaid case be sent by the Family Court, Kurukshetra, to the District and Sessions Judge, Ambala.

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

14.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No