

TA-500-2025 (O&M)

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

Sr. No.109+212

**TA-500-2025 (O&M)
Date of Decision: 04.07.2025**

NIKITA JAKHAR

....Applicant

Versus

MANISH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sushil Sheoran, Advocate
for the applicant.

Mr. G.S. Sidhu, Advocate for
Mr. Ashish Soi, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

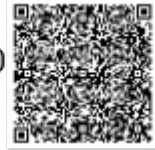
CM-12164-CII-2025

The present application has been filed at the behest of the respondent, for placing on record reply to the transfer application.

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

Main case

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/467/2022, titled '*Manish Kumar Vs. Nikita Jakhar*', filed by the



TA-500-2025 (O&M)

respondent-husband, pending in the Family Court, Jhajjar and she seeks transfer of the same to the Court of competent jurisdiction at Charkhi Dadri.

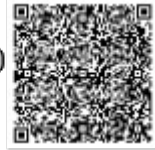
Upon notice, the respondent made appearance through counsel and filed reply.

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 15.03.2021, but no child was born from the said wedlock. Unfortunately, on account of the matrimonial dispute, the parties are residing separate and indulged in litigation.

Further, it is submitted that the petition under Section 125 Cr.P.C. i.e. MNT/72/2021 and the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/1/2022, filed by the applicant, are already pending in the Courts at Charkhi Dadri and the respondent is making appearance in both the said cases. Besides the same, the respondent is facing trial in the Courts at Charkhi Dadri, relating to FIR bearing No.87 dated 25.10.2021, under Sections 323, 406, 498-A and 506 IPC, got lodged by the applicant at Women Police Station, Charkhi Dadri. Also, it is submitted that the applicant is based in Panchkula at present and working as a 'Consultant' in 'Infosys company' and having a net salary of Rs.53,230/- (Gross salary of Rs.65,323/-).

Furthermore, it is submitted that it is not on account of lack of finances that the applicant is seeking transfer of the divorce petition, but however, the distance between her place of work to her native place i.e. Charkhi Dadri and Jhajjar, where the divorce petition is pending, is above



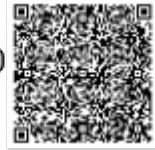
TA-500-2025 (O&M)

350 kilometres, on which account, it is difficult for her to commute such a distance, to defend the case, more particularly, when other three cases are already pending in the Courts at Charkhi Dadri.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the the respondent is working as a ‘Major’ in the Army and is presently posted in Arunachal Pradesh. Further it is submitted that he had to undergo extensive journey of 2500 kilometres, to defend the litigation thrust upon him. Also, the counsel for the respondent submits that it is convenient for the respondent to land at airport in New Delhi. However, if the case is transferred to Charkhi Dadri, it shall be another 130 kilometres journey for him.

Considering the submissions aforesaid, it is pertinent to mention that though, the Courts generally give preference to the convenience of the wife, while considering the transfer applications relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances coming forth, also ought to be taken into consideration. In the case in hand, one material fact, which goes in favour of the applicant is that there are three other cases, arising from the matrimonial dispute, as mentioned aforesaid, which are already pending in the Courts at Charkhi Dadri and the respondent is making appearance in the same. One is the criminal case, in which the respondent is an accused.

In the light of the same and also taking into consideration the distance between Panchkula to Charkhi Dadri and Jhajjar to be above 350 kilometres, definitely it will be difficult for the applicant to pursue the same, despite having financial means. However, to balance the



TA-500-2025 (O&M)

convenience/inconvenience of both the parties, an offer is given to the counsel for the respondent, that it shall be appropriate if the divorce petition in question i.e. the fourth case, is also transferred to Charkhi Dadri and thereby making a request to the Court concerned, to preferably adjourn all the cases on one date, so that the interest of the respondent in the divorce petition is also watched and he is saved from making further journey, to pursue the divorce petition, which is presently pending at Jhajjar. The said offer is acceptable to the counsel for the respondent.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/467/2022, titled '*Manish Kumar Vs. Nikita Jakhar*', filed by the respondent-husband, stands transferred from the Family Court, Jhajjar, to the Court of competent jurisdiction at Charkhi Dadri. The requisite record of the aforesaid case be sent by the Family Court, Jhajjar, to the District and Sessions Judge, Charkhi Dadri.

Learned District and Sessions Judge, Charkhi Dadri, shall assign the said petition to the Court, where the litigation between the parties is already pending. The Court concerned shall made an endeavour, to adjourn all the cases pending between the parties, preferably for the same date. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

04.07.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No