



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

107

TA-559-2025 (O&M)

Date of Decision: December 01, 2025

Surbhi Chanana

...Applicant

Versus

Aakash Bhayana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Rajinder Goel, Advocate
for the applicant.

Mr.Abhilaksh Grover and Ms.Nandini Gupta, Advocates
for the applicant.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 13(1) (ia) (ib) of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-10-2025, titled 'Aakash Bhayana vs. Surbhi Chanana', pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Karnal.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply. In response to the reply, though opportunity was given to file rejoinder, but however, the same was not filed, despite last opportunity.

Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on 20.11.2011 and one son born from the said wedlock, who is 8 years old, is in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate.

Further, it is submitted that both the applicant as well as the respondent are doctors. Even though, the applicant is having a professional degree, but on account of constrained circumstances, she is not doing any job at present. Also, it is submitted that the minor son is studying in 3rd class in Aadarsh Cambridge International School, Kunjpura Road, Vasant Vihar, Karnal. Further, it is submitted that the applicant is not having any source of earning at present. The distance between the two places is stated to be about 160 kms.

On the other hand, learned counsel for the respondent, while making reference to the reply submits that there is material concealment, on the part of the applicant. In fact, the applicant is a post-graduate. She has completed M.D. in Pediatrics and was earlier working at Escorts Fortis, Faridabad. However, suddenly, she had changed her place of residence and has started staying with her parents at Karnal. It is submitted that applicant being equally qualified, can very well take care of the litigation, which is pending in the Courts at Faridabad.

In view of the aforesaid submissions, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, the Court generally lean towards the convenience of

the wife, though, it may not be a thumb rule. Each case has to be adjudicated, in its own factual background. Various factors are required to be taken into consideration, such like, any child born from the estranged marriage and if so, which parent is having custody and capacity of the parent to take care of the child. Furthermore, about the distance between the two places and any other litigation pending between the parties and so on and so forth.

In the case in hand, though both the applicant and respondent, are professionally qualified and are doctors, but however, the applicant states that she is not doing any kind of job and as such, she has no independent source of earning. Even though, learned counsel for the respondent submits that applicant is working, but there is no material, as such, coming on record, to so substantiate this plea. In fact, in the reply there is mention made about the applicant earlier having joined as Senior Resident in ESI Medical College, Faridabad, where she continued to work till October 2014 and thereafter, there is nothing, as such, coming on record about the applicant following her profession.

But anyhow, the fact remains that there is one child born from the said wedlock, who is in the care and custody of the applicant and this is the most relevant and weighing factor in the present case. The child is studying in 3rd class in a school at Karnal.

Watching the best interest of the child and considering the distance between the two places, the transfer application, as such, is hereby allowed and the petition under Section 13(1) (ia) (ib) of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-10-2025, titled

‘Aakash Bhayana vs. Surbhi Chanana’, stands transferred from the Family Court, Faridabad, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court, Faridabad, 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.

December 01, 2025	(ARCHANA PURI)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	Yes/No