



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

Sr. No.113

TA-675-2024

Date of Decision: 20.02.2025

MANISHA

....Applicant

Versus

MUKUL DHIMAN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Varun Katyal, Advocate
for the applicant.

Mr. Ashutosh Bilves, 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, titled '*Mukul Dhiman Vs. Manisha*', filed by the respondent-husband, pending in the Family Court, Panchkula and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

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

Learned 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 21.10.2020, at Rajpura. One son born from the said wedlock, who is aged about 4 years at present, is in the care and custody of the applicant. Also, it



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is submitted that the applicant is a TGT Lecturer in the Education Department of Government of Punjab and she is taking care of child born from the wedlock of the parties also.

At this stage, the counsel for the applicant submits that, at the time of filing of the transfer application, the applicant was posted at Derabassi, but now, she is posted at Rajpura. As such, a prayer is made for transfer of the divorce petition to Rajpura, instead of Patiala, as pleaded in the application.

On the contrary, the counsel for the respondent submits that no other case is pending between the parties. The distance between Panchkula to Rajpura is stated to be about 37 kilometres. Also, the counsel for the respondent submits that the applicant is a government lecturer and she can very well make appearance in the Courts at Panchkula, as the mode of transport is well-connected on this route.

In view of the submissions aforesaid, on query by the Court, it is submitted by the counsel for the applicant that the father of the applicant is also residing with her.

Even though, time and again, it has been held by the Courts that preference ought to be given to the convenience of the wife, in case of transfer applications relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration.

Considering the aforesaid fact situation, it is pertinent to mention that in the present case, the applicant is a government employee and there is no other case, pending between the parties, except the divorce petition. Solely the ground of distance of the place, where the divorce



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petition is pending, from the residence of the applicant, to be about 37 kilometres, is not a sufficient reason to transfer the case, more particularly, while the applicant is well-qualified and pursuing the job, from place to place, wherever she is posted.

Taking into consideration the aforesaid situation, no case is made out for allowing the transfer application. Hence, the same is hereby dismissed.

20.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No