



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

Sr. No.229

TA-642-2025

Date of Decision: 27.11.2025

BARKHA

....Applicant

Versus

SUMIT KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Bikramjit Singh, Advocate for
Mr. J.S. Thind, Advocate
for the applicant.

Mr. Kapil Khanna, 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 '*Sumit Kumar Vs. Barkha*', filed by the respondent-husband, pending in the Family Court (Camp Court) Nabha, District Patiala and she seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar.

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

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 24.07.2016. One daughter born from the said wedlock, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties



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are residing separate. The parents of the applicant have since passed away and she is residing in a rented accommodation in Balongi, SAS Nagar. As such, she is dependent upon her relatives for her sustenance. No other litigation is pending between the parties. The distance between the two places is stated to be about 75 kms.

On the other hand, counsel for the respondent submits that the applicant has concealed the material facts. In fact, she was indulging in extra-marital relationship, as a result whereof, the dispute arose between the parties. She left the matrimonial house of her own. Even, she had filed a complaint before Women Cell, SAS Nagar, on 09.08.2024, vide letter No.4272/S/SSP and the respondent has joined the inquiry in the said application. However, on the said application, no further action was taken by the police authorities. Also, it is submitted that the applicant has falsely projected herself to be residing in a rented accommodation.

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. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, though, the counsel for the respondent submits that the applicant is having an illicit relationship, but however, there is no material coming forth to substantiate this plea.

On query by this Court, it is stated by the counsel for the respondent that no further steps, with regard to the conduct of the applicant, were taken by the respondent. Even though, it is stated that the complaint



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was filed against the respondent before the police authorities, but no action was taken upon the same, but however, no supporting document, to substantiate this submission has been placed on record.

In the case in hand, there is one daughter born from the wedlock of the parties to the lis, who is about 8 years old and she is in the care and custody of the applicant, who herself has no source of earning. Her parents have already died.

In view of the aforesaid fact situation and also considering the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act, titled '*Sumit Kumar Vs. Barkha*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Nabha, District Patiala, to the Court of competent jurisdiction at SAS Nagar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Nabha, to the District and Sessions Judge, SAS Nagar.

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

27.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No