



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

Sr. No.117

TA-752-2024

Date of Decision: 04.09.2025

**JYOTI****....Applicant****Versus****KAMAL****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Harmanpreet Kaur (Simmi), Advocate  
for the applicant.

Mr. Manmeet Singh Rana, Advocate  
for the respondent.

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**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 i.e. HMA/888/2023, titled '*Kamal Vs. Jyoti*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Rohtak.

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

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 27.09.2021. One daughter born from the said wedlock, is in the custody of the respondent. In fact, it is submitted that the said daughter was snatched from the applicant and taken away by the respondent. Also, it is submitted that the applicant is not earning and as such, has no source of earning. Even, she has filed the

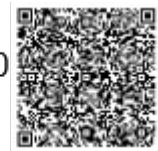


petition under Section 125 Cr.P.C., which is pending in the Courts at Rohtak and the respondent is making appearance in the same. Besides the same, the respondent is facing trial in the Courts at Rohtak, relating to FIR bearing No.41 of 2024, under Sections 323, 34, 406, 498-A and 506 IPC, got lodged by the applicant at Police Station Purani Subzi Mandi, Rohtak. The distance between the two places is stated to be about 113 kilometres.

On the other hand, counsel for the respondent, while making reference to the affidavit, submits that false allegations have been levelled against the respondent. In fact, the daughter was left behind, at the time when the applicant had gone away from the matrimonial house. In the given circumstances, it is submitted that when the respondent is taking care of the daughter, it shall be too harsh for him also, to pursue the litigation, if so transferred.

On query by this Court, it is disclosed by the counsel for the respondent that besides the respondent, his parents are also living with him. On further query, counsel for the respondent has disclosed that the respondent is employed in a private Bank as a class-III employee. However, on query, the designation of the respondent is not disclosed.

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. Though, it may not be a thumb rule, but however, various other circumstances spelt out from the material brought on record, ought to be taken into consideration. The daughter born from the wedlock of the parties is in the custody of the respondent. However, it is specifically asserted about the child to have been snatched away by the respondent. In any case,



the applicant is not having any source of earning. Even, two other cases, arising from this matrimonial dispute, are already pending in the Courts at Rohtak and the respondent is making appearance physically, in the criminal case, on each and every date of hearing.

In view of the aforesaid fact situation and also considering the fact that the daughter can very well be looked after by the parents of the respondent, in the eventuality he proceeds further to pursue the matrimonial litigation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/888/2023, titled '*Kamal Vs. Jyoti*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Rohtak.

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

**04.09.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No