2025:PHHC:118990

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

122

TA-746-2025 (O&M)
Date of Decision: September 03, 2025

Megha

....Applicant

Versus

Ankit Kaushik

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr.Ranvijay Singh, Advocate
for the applicant.

None for the respondent.

*****

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act bearing No.DMC-548-2024, titled *'Ankit Kaushik vs. Megha',* filed by the respondent-husband, pending in the Family Court, Bhiwani and she seeks transfer of the same to the Court of competent jurisdiction at Family Court, (Camp Court) Kanina, District Mohindergarh.

In pursuance of the notice, the respondent did not make appearance, despite service.

Counsel for the applicant heard.

It is submitted that the marriage between the parties had taken place on 25.02.2020 and two children born from the said wedlock, i.e.

VINEET GULATI
2025.09.03 16:50
I attest to the accuracy and
authenticity of this document
Chandigarh

daughter aged about 3 years and son aged about 2 years, are in the care and custody of the respondent. The applicant has no source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of 70 kms. to defend the litigation. Moreover, it is submittd that petition under Section 12 of the Protection of Women from Domestic Violence Act is also pending in the Courts at Kanina, District Mohindergarh.

In view of the submissions aforesaid, it is pertinent to the mention that generally, the Courts give preference to the convenience of the wife, while considering the transfer application, relating to the matrimonial dispute, but the same is not thumb rule. Various other circumstances, spelt out, from the material brought on record, ought to be taken into consideration. No doubt, as observed that the respondent has not come forward to resist the transfer application, but however from the perusal of the transfer application, it is evident that two children were born from the said wedlock. The girl child is about 3 years old and the boy child is about 2 years old. Both the said children, who are of tender age, are in the care and custody of the respondent.

At this stage, learned counsel for the applicant submits that other sister of the applicant was also married to the brother of the respondent and she is also having matrimonial dispute and relating to the same, the transfer application was accepted, copy whereof is Annexure A-4.

However, may it be so. Each case has to be decided on its own facts and circumstances. Therein, the sister of the applicant was suffering from

VINEET GULATI
2025.09.03 16:50
I attest to the accuracy and
authenticity of this document
Chandigarh

kidney disease, which in itself, was a weighing factor to be considered. But anyhow, in the case in hand, the applicant is hale and hearty and more particularly, the children, who are of tender age, as such, are in the care and custody of the respondent. This in itself is a weighing factor, which ought to be taken into consideration.

Considering the same and no other precipitating circumstance, in the favour of the applicant, no such, inconvenience shall be caused to the applicant, more particularly, when there is no evidence, coming on record, about there to be no proper road connectivity.

Hence, the present transfer application is hereby dismissed.

September 03, 2025 **(ARCHANA PURI)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**

VINEET GULATI
2025.09.03 16:50
I attest to the accuracy and
authenticity of this document
Chandigarh