



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

TA-846-2025 (O&M)
Date of Decision: November 03, 2025

Kajal
...Applicant

Versus

Shivam Chawla
...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Nitin Goswami, Advocate for
Mr.Namit Khurana, Advocate
for the applicant.

Mr.Sandeep Kotla, Advocate
for the respondent.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-206-2025, titled ‘Shivam Chawla vs. Kajal’, pending in the Family Court, Panipat and she seeks transfer of the same to the Court of competent jurisdiction at Karnal.

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

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that the marriage between the parties to the lis had taken place on 28.11.2023, but no child was born from the said wedlock. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she is dependent upon her widow mother. Also, it is submitted that on account of this dispute, FIR No.347 dated 02.10.2024 under Sections 406, 498-A, 506, 313 and 34 IPC, was got registered at Police Station Kunjpura, at the instance of the applicant and challan has been presented in the same and the respondent is facing trial in the Courts at Karnal. Further, the applicant had filed petition under Section 144 BNSS and the respondent has not made appearance in the same. The distance between the two places is stated to be about 35 kms.

On the other hand, learned counsel for the respondent resisted the claim for transfer of the divorce petition. In fact, it is submitted that the distance is too less, which ought not to be causing any inconvenience to the applicant, to pursue the litigation, even if it remains pending at Panipat. On query by the Court, it is submitted that the respondent has not received any summons in the maintenance petition. On further query, it is also submitted that no maintenance, till date, has been paid by the respondent to the applicant.

Even though, as submitted by learned counsel for the respondent that the respondent had not received summons in the maintenance petition, but however, assertion of the maintenance petition having been filed, was made in the transfer application, which was filed in the month of July and therefore, in pursuance of the service effected, the respondent is bound to be

having knowledge, with regard to the pending maintenance petition and till date, he has not made appearance in the same. Even, no maintenance, has been paid by the respondent to the applicant, who is not having any source of earning.

Though, much emphasis has been laid upon the distance being too short, to be considered for the transfer of the divorce petition, but however, it is pertinent to mention that there are various factors, which ought to be taken into consideration, while adjudicating on the transfer application, relating to the matrimonial dispute. Though, distance is one of the factors, but however, economic condition of the wife, also ought to be taken into consideration. Herein, the applicant-wife is not having any source of earning. Even, the respondent is already facing trial in the Courts at Karnal in the criminal case. He has also not made appearance in the maintenance petition, which is pending in the Courts at Karnal, despite having intimation relating to the same, by virtue of contents of the present transfer application.

Considering all the aforesaid circumstances and more particularly, the convenience of the applicant, the transfer application, is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-206-2025, titled 'Shivam Chawla vs. Kajal', stands transferred from the Family Court, Panipat, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court, Panipat 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.

November 03, 2025
Vgulati

Whether speaking/reasoned
Whether reportable

(ARCHANA PURI)
JUDGE

Yes
Yes/No