



TA-1014-2023 (O&M)

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

Sr. No.221

**TA-1014-2023 (O&M)
Date of Decision: 02.04.2025**

PRIYANKA

....Applicant

Versus

SUNIL KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ashish Kumar Gupta, Advocate
for the applicant.
(Through video conferencing).

Mr. Abhishek Sharma, Advocate
for the respondent.

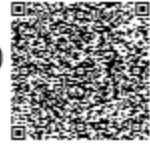
ARCHANA PURI, J. (Oral)

The applicant/wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA-41-2021 titled “Sunil Kumar v/s Priyanka”, filed by the respondent/husband, which is pending in the courts at Panchkula and she seeks transfer of the same to the Family Court, Derabassi, District SAS Nagar.

In pursuance of 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 the counsel for the applicant that the marriage between the parties was solemnized on 18.04.2014 and one girl child born from the said wedlock, is in the care and custody of the applicant. It is also submitted that the applicant is working as teacher in government School and is currently posted in Shaheed Major



Anuj Rajput Government Model Sanskriti Senior Secondary School, Sector 20, Panchkula and the respondent is also working as teacher and is working in Government Model Senior Secondary School, Kalka. On account of matrimonial discord, the parties are residing separate. The applicant has also filed petition under Section 13 of Hindu Marriage Act, petition under Section 125 Cr.P.C. and petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 which are pending in Family Courts, Derabassi, District SAS Nagar.

On the contrary, counsel for the respondent, while making reference to the reply, submits that the present application has been filed only with the purpose to harass the respondent. He further submits that it is only on account of the bad conduct of the applicant, the respondent is residing separate. Also, it is submitted that the applicant is a working woman and thus, she is financially independent. Also, she is posted at Panchkula only and thus, it will not be difficult for her to pursue the petition under Section 9 of Hindu Marriage Act.

In view of the rival submissions aforesaid and also taking into consideration the preference given by the courts to the wife in case of transfer applications relating to the matrimonial disputes, it is pertinent to mention that various other circumstances spelt out from the material brought on record also ought to be taken into consideration.

In the case in hand the applicant is working as a teacher in government school and is presently posted in the school at Sector 20, Panchkula, meaning thereby, that the applicant though is not staying in Panchkula, but she definitely visits Panchkula to attend her school duties. In the given circumstances, it shall not be difficult for the applicant to pursue the petition under Section 9 of Hindu Marriage Act, pending in the courts at



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Panchkula, more particularly, when her presence is not required on each and every date of hearing. However, the fact of other cases pending at Derabassi, is not the sole factor to be considered for transfer of the case. In the given circumstances, no case is made out for allowing the transfer application.

Hence, the same is hereby dismissed.

02.04.2025

Sonu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No