



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

Sr. No.106**TA-1031-2023****Date of Decision: 02.05.2025****SAVITA @ SAVITA KUMARI****....Applicant****Versus****MANOJ KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Lajpat Rai Sharma, Advocate
for the applicant.

Mr. Ravinder Hooda, 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 (1) (1a) & (1b) of the Hindu Marriage Act i.e. DMC/508/2022 titled “Manoj Kumar v/s Savita”, filed by the respondent/husband, which is pending in the courts at Rohtak and she seeks transfer of the same to the court of competent jurisdiction at Jhajjar.

Upon notice, 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 was solemnized on 08.12.2012 and one daughter born from the said wedlock, aged about 10 years, is in the care and custody of the applicant. Also, it is submitted that the applicant is not having any source of earning and is totally dependent



upon her parental family. Prior to the covid period, the applicant was residing with her minor daughter at Delhi and had filed petition under Section 125 Cr.P.C. in the courts at Delhi, which has since been decided in her favour and now the execution is pending against the husband for clearance of arrears of maintenance. In the given circumstances, it is submitted that it is difficult for her to commute a distance of about 50 kms to defend the divorce petition.

On the other hand, counsel for the respondent while making reference to the reply, submits that the respondent is 60% disabled person and therefore, if the divorce petition is transferred, it shall be too harsh for him to pursue the same.

In view of the aforesaid submissions, it is pertinent to mention that generally the courts lean towards the convenience of wife, in case of transfer applications, relating to the matrimonial disputes, but however, it is not a thumb rule. The convenience of the wife *ipso facto* cannot be considered, more particularly, while considering the mitigating circumstances, existing in favour of the husband.

However, in the case in hand, even though, counsel for the respondent has submitted that the respondent is 60% disabled, but there is no document, as such, coming on record. Considering the same, it is pertinent to mention that the applicant is not having any source of earning and has a grown up daughter, who is studying in a school at Jhajjar, parental place of the applicant. Also, the applicant is residing at a rented premises and the copy of the rent agreement has also been brought on record.

In view of the aforesaid facts, more particularly, when the respondent has also not cleared the arrears of maintenance, on the basis of the orders passed by the court, the transfer application, as such, is hereby



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allowed and the petition under Section 13 (1) (1a) & (1b) of the Hindu Marriage Act i.e. DMC/508/2022 titled “Manoj Kumar v/s Savita”, filed by the respondent/husband, stands transferred from the Family Court, Rohtak to the Court of competent jurisdiction at Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Rohtak to the District and Sessions Judge, Jhajjar.

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

02.05.2025
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No