



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

Sr. No.115

**TA-1058-2024 (O&M)
Date of Decision: 19.05.2025**

POOJA

....Applicant

Versus

VIJAY KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Ms. Mamta Panwar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-15308-CII-2024

Keeping in view the averments made in the application, same is allowed.

Main case

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/993/2024, titled '*Vijay Kumar Vs. Pooja*', filed by the respondent-husband, pending in the Family Court, Gurugram and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

Upon notice issued, the respondent made appearance through counsel and filed reply.

The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the



applicant that the marriage between the parties to the lis, had taken place on 25.01.2019, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning and as such, is dependent upon her aged parents. Even, the applicant has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, i.e. MNT/211/2024, which is pending in the Courts at Bhiwani. Also, she has filed the petition under Section 9 of the Hindu Marriage Act i.e. DMC/495/2024, which is also pending in the Courts at Bhiwani. In both the said cases, the respondent is making appearance. In the given circumstances, more particularly, while submitting that the applicant is taking care of her parents, who are aged, it is difficult for the applicant to commute a distance of about 100-115 kilometres on one side, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the dispute arose between the parties, solely on account of bad conduct of the applicant. Moreover, no medical record has been produced, with regard to the health issue of the parents of the applicant.

In view of the rival submissions aforesaid, it is pertinent to mention that the Courts generally lean towards the convenience of wife, while dealing with the transfer applications relating to the matrimonial disputes. Considering the same, it is just and expedient to accept the application, in the case in hand, as the applicant is not having any source of earning and two cases arising from the matrimonial dispute, are already pending in the Courts at Bhiwani, which are being pursued by the respondent.



In view of the aforesaid fact situation and also considering the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/993/2024, titled '*Vijay Kumar Vs. Pooja*', filed by the respondent-husband, stands transferred from the Family Court, Gurugram, to the Court of competent jurisdiction at Bhiwani. The requisite record of the aforesaid case be sent by the Family Court, Gurugram, to the District and Sessions Judge, Bhiwani.

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

19.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No