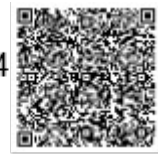


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2025:PHHC:172164



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

Sr. No.173

TA-978-2025 (O&M)

Date of Decision: 10.12.2025

PRIYANKA VERMA

....Applicant

Versus

SANDEEP KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nitin Sansanwal, Advocate for
Mr. K.P. Singh, Advocate
for the applicant.

Ms. Sapna Seth, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-14944-CIL-2025

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/114/2024, titled '*Sandeep Kumar Vs. Priyanka Verma*', filed by the
respondent-husband, pending in the Family Court (Camp Court) Derabassi,
District SAS Nagar and she seeks transfer of the same to the Court of
competent jurisdiction at Ambala.

In pursuance of notice issued, 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 to the lis, had taken place on 09.12.2022. One son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 i.e. MNT-125/394/2024, which is pending in the Courts at Ambala and the respondent is making appearance in the same. Also, she has got lodged an FIR bearing No.61 dated 06.11.2024, under Sections 323, 406, 498-A and 506 IPC at Women Police Station, Ambala, wherein challan has been presented in the Courts at Ambala and now, the case is fixed for consideration on the question of charge. The respondent is making appearance in the said case as well.

On query by this Court, it is submitted by the counsel for the applicant that the applicant is not having any source of earning.

On the other hand, counsel for the respondent has submitted that the applicant is having an adulterous relationship, on which account, the divorce petition has been filed. Even, the respondent is not having any source of earning, at present. Also, it is submitted that the distance between the two places is only 28 kms. and both the stations are on the G.T. road. In the given circumstances, it is submitted that there should not be any difficulty for the applicant, to pursue the divorce petition, if it is not so transferred.



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In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while adjudicating on the transfer application relating to the matrimonial dispute, though, it may not be a thumb rule. Anyhow, there is no straitjacket formula to be adopted by the Courts in all the situations, while adjudicating on the transfer application. Various factors also have to be taken into consideration, just like, any child born from the wedlock; which spouse is having the custody of the child; the distance between the two places; the extent of earnings of both the spouses and so on and so forth. In the case in hand, the most relevant weighing factor, to be considered, is about the two years old child, to be in the care and custody of the applicant. Though, during the course of arguments, counsel for the respondent has laid much emphasis upon the distance to be only 28 kms., but the need for transfer may have arisen, considering the need of the child to remain with his mother, as he requires constant care and also taking into consideration the fact of two other litigations, already pending in the Courts at Ambala, more particularly, the criminal case, wherein, the respondent is required to make appearance, on each and every date of hearing.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/114/2024, titled '*Sandeep Kumar Vs. Priyanka Verma*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Derabassi, District SAS Nagar, to the Court of competent jurisdiction at Ambala. The



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requisite record of the aforesaid case be sent by the Family Court (Camp Court) Derabassi, to the District and Sessions Judge, Ambala.

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

10.12.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No