



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

Sr. No.253**TA-1146-2024****Date of Decision: 10.11.2025****SHWETA****....Applicant****Versus****NAVEEN KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. S.S.Kaushik, Advocate
for the applicant.

Mr. Sandeep Thakan, 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. DMC/290/2024, titled '*Naveen Vs. Shweta*', filed by the respondent-husband, pending in the Family Court, Bhiwani and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties, had taken place on 01.12.2019, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is dependent upon her parental family. She has filed petition under Section 125 Cr.P.C as well as petition under Section 12 of Protection of Women from Domestic Violence



Act, which are pending in the courts at Jind. Even though, the respondent is having the knowledge of the pending litigation, but still he has not made appearance in the aforesaid litigation. The respondent is doing job in Defence Security Corps as a LDC Airforce Station Chandigarh. The distance between the two places is stated to be 60 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the time consumed for covering the distance of about 60 kms, is only one hour. Furthermore, it is submitted that the respondent has to look after his aged parents.

In view of the aforesaid fact situation, it is pertinent to mention that the courts generally lean towards the convenience of wife, while adjudicating on the transfer applications, relating to the matrimonial dispute. In the case in hand, even though the distance is about 60 kms, but however, the same is not the only factor, which is to be taken into consideration. There are other circumstances which ought to be considered. The applicant is not having any source of earning. She has filed petition under Section 125 Cr.P.C as well as petition under Section 12 of Protection of Women from Domestic Violence Act, which are pending in the courts at Jind. Though counsel for the respondent submits that the respondent has no knowledge about the said litigation, but however, it is pertinent to mention that the petition was filed in the month of August, 2024 and till date, as disclosed by the counsel for the respondent, the respondent has not joined the proceedings of the cases, pending in the courts at Jind.

Considering the aforesaid and also taking into consideration the fact of the applicant not having any source of earning and two other cases already pending in the courts at Jind, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/290/2024,



titled ‘*Naveen Vs. Shweta*’, filed by the respondent-husband, stands transferred from the Family Court, Bhiwani to the Court of competent jurisdiction at Jind. The requisite record of the aforesaid case be sent by the Family Court, Bhiwani, to the District and Sessions Judge, Jind.

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

10.11.2025
Sonu Saini

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No