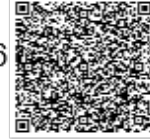


2025:PHHC:048586



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

TA-1336-2023(O&M)

Date of Decision: April 08, 2025

Deepika

...Applicant

Versus

Vikas Mahalla

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Mukesh Yadav, Advocate
for the applicant.

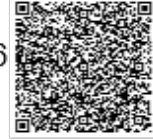
Mr.Rahul Yadav, Advocate
for the respondent.

ARCHANA PURI, J.

In compliance of the order dated 18.03.2025, the affidavit of the applicant has been filed and the same is taken on record.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13(1) (i-a) of the Hindu Marriage Act, filed by respondent-husband bearing No.HMA-1143-2023, titled 'Vikas Mahalla vs. Deepika', which is pending in the Family Court, Gurugram and she seeks transfer of the same to the Court of competent jurisdiction at Family Court (Camp Court), Kanina, District Mohindergarh.

In pursuance of the notice issued, the respondent has made appearance through counsel and filed reply.



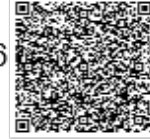
Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on 28.11.2022 and no child was born from the said wedlock. However, on account of matrimonial dispute, the parties are residing separate. The applicant is residing with her widow mother. She is not working and as such, has no source of earning and is dependent upon her widow mother.

Also, it is submitted that there are other three litigations, pending between the parties. The applicant has filed petition under Section 9 of the Hindu Marriage Act, bearing No.HMA-98-2023, titled 'Deepika vs. Vikas Mahalla', which is pending in the Family Court (Camp Court), Kanina. Further, petition under Section 125 Cr.P.C. as well as petition under Section 12 of the Protection of Women from Domestic Violence Act have also been filed. In all the aforesaid three cases, the respondent is making appearance and pursuing the same.

In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100 kms. to defend the divorce petition.

On the other hand, learned counsel for the respondent, while making reference to the reply and more particularly, to Annexure R-1, has submitted that the applicant is well qualified. She has done M.Sc. Physics and thus, she is capable of pursuing the litigations, pending in the Courts at Gurugram. Furthermore, it is also submitted that mother of the respondent is suffering from cancer and thus, it is difficult for him also, to pursue the



divorce petition, if it is transferred to Family Court (Camp Court), Kanina.

In view of the submissions aforesaid, it is pertinent to mention that the Courts, generally lean towards the convenience of the wife, in case of transfer application, relating to matrimonial dispute, but however, the same is not a thumb rule. However, there are various other circumstances, which are required to be taken into consideration. Though, the applicant is stated to be well-qualified, as per Annexure R-1, placed on record by respondent, but however, she is not having any source of earning and is dependent upon her widow mother. Likewise, even though, the respondent submits that his mother, is unfortunately a cancer patient, but however, he is still pursuing three other litigations, which are arising from this matrimonial dispute, which are pending in the Family Court (Camp Court), Kanina.

In the given circumstances, when the respondent is already pursuing three litigations, pending in the Family Court (Camp Court), Kanina, it is just and expedient to transfer the divorce petition, filed at the instance of the respondent. As such, the present transfer application is allowed and the petition under Section 13(1) (i-a) of the Hindu Marriage Act, filed by respondent-husband bearing No.HMA-1143-2023, titled 'Vikas Mahalla vs. Deepika' of the Hindu Marriage Act, stands transferred from the Family Court, Gurugram, to the Court of competent jurisdiction at Family Court (Camp Court), Kanina. The requisite record of the aforesaid case be sent by the Family Court, Gurugram, to the District and Sessions Judge, Mohindergarh at Narnaul.

Learned District and Sessions Judge, Mohindergarh at Narnaul,



TA-1336-2023

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shall assign the said petition to the Family Court (Camp Court), Kanina. Even, the parties are directed to appear before the Family Court (Camp Court), Kanina, within a period of one month from today onwards.

However, taking into consideration the constrained circumstances of the respondent-husband, it is hereby requested to the concerned District and Sessions Judge, to ensure that all the cases are tried by one and the same Court, if there are more than one Family Court and the Family Court concerned, shall make an attempt to adjourn all the cases, between the parties, for the same date, so that, it is convenient for the parties to pursue the same.

April 08, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No