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

Sr. No.108**TA-1227-2024****Date of Decision: 19.08.2025****JYOTI****....Applicant****Versus****VIKRAM SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Sushil Jain, Advocate
for the applicant.

Mr. Abhimanyu Singh, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 11 of the Hindu Marriage Act, titled '*Vikram Singh Vs. Jyoti*' (Annexure P-4), filed by the respondent-husband, pending in the Family Court, Sirsa and she seeks transfer of the same to the Court of competent jurisdiction at Sonapat.

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

Counsel for the parties heard.



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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 04.10.2022, but no child was born from the said wedlock. However, on account of alleged concealment of the material fact, with regard to earlier marriage of the applicant, the dispute arose between the parties and they are residing separate. The applicant is not having any source of earning and as such, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Sonapat. Also, she has filed the petition under Section 9 of the Hindu Marriage Act, which is pending in the Courts at Sonapat. Both the said petitions are pursued by the respondent. Besides the same, the respondent is facing trial in the Courts at Sonapat, relating to FIR bearing No.3 dated 13.03.2024, under Sections 323, 377, 406, 498-A and 506 IPC, got lodged by the applicant at Women Police Station, Sonapat. Even, the petition under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant is pending in the Courts at Sonapat and the respondent is making appearance in the same.

In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 300 kilometres, on one side, to defend the petition under Section 11 of the Hindu Marriage Act.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that there is concealment of material facts, at the instance of the applicant. In fact, the first marriage was never disclosed by her to the respondent. Even, in the pending petition under Section 11 of the Hindu Marriage Act, the applicant was proceeded against *ex parte*. In the given circumstances, it is submitted that it shall be difficult



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for the respondent also, to pursue the litigation, in case the transfer application is accepted.

In view of the submissions aforesaid, it is pertinent to mention that the Courts generally lean towards the convenience of wife, in case of transfer application relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. Whether there was concealment on behalf of the applicant or not, as alleged by the respondent, is a matter, which can be appraised by the Court concerned, at an appropriate stage. Suffice to consider that four cases, arising from the matrimonial dispute, *vis-a-vis*, the matrimonial dispute i.e. the petition under Section 9 of the Hindu Marriage Act, the petition under Section 125 Cr.P.C., the petition under Section 12 of the Protection of Women from Domestic Violence Act, as well as the criminal case, got lodged by the applicant, are already pending in the Courts at Sonapat and the respondent is making appearance in the same. Though, it is stated that the applicant had not disclosed about having proceeded against *ex parte*, in the petition under Section 9 of the Hindu Marriage Act, but however, this fact ought to have been brought to the notice of this Court, at an appropriate stage, which was not done by the counsel for the respondent.

In view of the aforesaid fact situation, more particularly, considering the distance between the two places and also considering the fact of the applicant having no source of earning and taking into consideration four cases arising from the matrimonial dispute, already pending in the Courts at Sonapat, the transfer application is allowed and the



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petition under Section 11 of the Hindu Marriage Act, titled ‘*Vikram Singh Vs. Jyoti*’ (Annexure P-4), filed by the respondent-husband, stands transferred from the Family Court, Sirsa, to the Court of competent jurisdiction at Sonapat. The requisite record of the aforesaid case be sent by the Family Court, Sirsa, to the District and Sessions Judge, Sonapat.

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

19.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No