



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.111

TA-1245-2024

Date of Decision: 20.11.2025

DEEPALI

....Applicant

Versus

AMAN SHARMA

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rahul Singla, Advocate
for the applicant.

Mr. B.S. Randhawa, 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. HMA/204/2024, titled '*Aman Sharma Vs. Deepali*', filed by the respondent-husband, pending in the Family Court (Camp Court) Batala, District Gurdaspur and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.

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

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 12.11.2020. One daughter born from the said wedlock, who is about 3 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties



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are residing separate. The applicant is not having any source of earning. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT/128/2024, as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/44/2024, which are pending in the Courts at Kalka. The said cases were initially filed at Panchkula, but however, after establishment of Courts at Kalka, both the said cases are pending at Kalka and the respondent is pursuing the same. Besides the same, on the basis of the complaint filed by the applicant, FIR has been registered against the respondent, under Sections 406 and 498-A IPC, at Police Station Kalka and the same is pending investigation. The distance between the two places is about 240 kms.

On the other hand, counsel for the respondent submits that it shall be too harsh for the respondent also, in case the transfer application is allowed. Also, it is submitted that the applicant has an option to make appearance through virtual mode.

Keeping in view 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. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, there is one daughter born from the broken marriage, who is about 3 years old and she is in the custody of the applicant, who herself is not having any source of earning. Even, two other cases arising from this matrimonial dispute, are pending in the Courts at Kalka and the respondent is making appearance in the same. Also, an FIR



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has been got registered by the applicant, within the jurisdiction of Kalka, which is pending investigation.

In view of the aforesaid circumstances, it is pertinent to mention that even though, in the application prayer has been made for transfer of the petition under Section 9 of the Hindu Marriage Act, to the Court of competent jurisdiction at Panchkula, but however, it is stated that after filing of the transfer application, Family Court has been established at Kalka and the applicant is also stated to be residing at Kalka.

In view of the aforesaid fact situation, more particularly, considering the distance between the two places, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/204/2024, titled '*Aman Sharma Vs. Deepali*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Batala, District Gurdaspur, to the Court of competent jurisdiction at Kalka. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Batala, to the District and Sessions Judge, Panchkula.

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

20.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No