



TA-1279-2024 (O&M)

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

Sr. No.105

TA-1279-2024 (O&M)
Date of Decision: 09.12.2025

REENA

....Applicant

Versus

RAKESH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Ms. Pooja Jaglan, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)**CM-24533-CII-2025**

Keeping in view the averments made in the application, same is
allowed.

CM-24534-CII-2025

The present application has been filed at the behest of the
applicant, for placing on record rejoinder, along with Annexures P-6 to P-9.

In view of the averments made in the application, same is
allowed and the requisite rejoinder along with the annexures, is taken on
record.

**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. DMC/155/2024, titled '*Rakesh Vs. Reena*', filed by the respondent-husband, pending in the Family Court (Camp Court) Gohana, District Sonapat and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

In pursuance of notice issued, the respondent made appearance through counsel and filed reply. Even, rejoinder was filed at the behest of the applicant.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that on account of the matrimonial dispute, the parties are residing separate. There are two children born from the said wedlock, who are in the care and custody of the respondent, at present. The applicant is not having any source of earning. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Jind, at appearance stage. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 60 kms., to defend the divorce petition.

On the other hand, counsel for the respondent has refuted the claim for transfer. While making reference to Annexure A-7, the counsel submits that the distance between the two places is 47 kms. and falsely, it has been alleged to be 60 kms. On query by this Court, it is disclosed by the



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counsel for the respondent that the respondent is working as a Deputy Superintendent, in ITI and is presently posted in Assandh. On further query, it is submitted that Assandh, is at a distance of about 40 kms. from Gohana and Jind is at a distance of about 35 kms. from Assandh. Also, on query, it is stated by the counsel for the respondent that the respondent is residing along with his aged mother and children.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute, it is, though, not a thumb rule. However, other circumstances spelt out, also ought to be taken into consideration and then some balancing of convenience/inconvenience of both the sides, is to be made. There are several factors, which ought to be taken into consideration. In the case in hand, the relevant and weighing factor is about the children, who are in the age-group of 9-11 years, to be in the care and custody of the respondent. May it be so. At the same time, it ought to be taken into consideration that the applicant is not having any source of earning and she has already initiated two litigations, relating to this matrimonial dispute, which are pending in the Courts at Jind. Furthermore, it is pertinent to mention that the respondent is himself posted at Assandh, which is at a distance of about about 40 kms., from his residence. Even, the aged mother of the respondent is living with him, who can very well, take care of the children, in his absence, while he pursues the divorce petition.



In view of the aforesaid fact situation, one thing is evident that the respondent is better-placed in life and is in a better position, to pursue the divorce petition, even if, it is transferred to the Courts at Jind. As such, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/155/2024, titled '*Rakesh Vs. Reena*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Gohana, District Sonapat, to the Court of competent jurisdiction at Jind. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Gohana, 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.

Considering the interest of the respondent, more particularly, about the children residing with him, he always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode. Upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

09.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No