



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

Sr. No.107

TA-1383-2023

Date of Decision: 06.03.2025

ANISHA

....Applicant

Versus

HARDIK CHHABRA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Manoj Pundir and Mr. Aditya Pratap Singh, Advocates
for the applicant.

Mr. Omkar Chauhan, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/687/2023, titled '*Hardik Chhabra Vs. Anisha*', filed by the respondent-husband, pending in the Family Court, Kurukshetra and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar.

Upon notice, the respondent made appearance through counsel. However, reply was not filed. The counsel for the respondent submits that he does not intend to file reply, though, he contests the transfer application.

Learned counsel for the parties heard.

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 19.04.2014. One daughter was born from the said wedlock in the year 2018, who is in the care and custody of the applicant. On account of the



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matrimonial discord, the parties are residing separate. Also, it is submitted that applicant has also filed a complaint before the Superintendent of Police, Yamuna Nagar, bearing No.7014, dated 27.07.2023, on the basis whereof, the FIR was registered and now, the trial relating to the said FIR is pending in the Courts at Yamuna Nagar and the respondent is making appearance in the same. Besides the same, maintenance petition i.e. MNT/5781/2023 and the petition under the Protection of Women from Domestic Violence Act i.e. COMA/212/2023, have been filed by the applicant, in the Courts at Yamuna Nagar, wherein the respondent is making appearance. Further, the counsel submits that at the time of filing of the application, the applicant was unemployed, but now, she is working as a '*Guest Teacher*' in the State of Haryana. However, it is submitted that on account of the minor child living with the applicant, it is difficult for the applicant, to commute a distance of about 60 kilometres, to defend the divorce petition.

On the contrary, the counsel for the respondent submits that inconvenience shall be caused to the respondent also, if the transfer application is allowed.

In view of the submissions aforesaid, more particularly, considering the fact of the respondent, who has not filed reply to the transfer application, having not disclosed about the detail of any inconvenience to be caused, considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute and also considering the fact about the applicant to be taking care of the minor daughter, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/687/2023, titled '*Hardik Chhabra Vs. Anisha*', filed by the respondent-husband, stands



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transferred from the Family Court, Kurukshetra, to the Court of competent jurisdiction at Yamuna Nagar. The requisite record of the aforesaid case be sent by the Family Court, Kurukshetra, to the District and Sessions Judge, Yamuna Nagar.

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

06.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes/No