



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

Sr. No.107

TA-1442-2023

Date of Decision: 19.03.2025

TANVI MANOCHA

....Applicant

Versus

MOHIT CHOPRA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Mr. Arjun Sheoran and Mr. Rohan Gupta, Advocates
for the respondent.

ARCHANA PURI, J. (Oral)

The present application has been filed by the applicant-wife for seeking transfer of the divorce petition i.e. DMC/567/2023, titled '*Mohit Chopra Vs. Tanvi Manocha*', and the custody petition i.e. GW/60/2023, titled '*Mohit Chopra Vs. Tanvi Manocha*', filed by the respondent-husband, which are pending in the Family Court, Panipat and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

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

The 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 24.06.2020. One daughter born from the said wedlock, who is about 4 years old, is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant had got



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lodged an FIR bearing No.596 dated 27.12.2022, under Sections 498-A, 406, 506 and 34 IPC, relating to which challan has been presented in the Courts at Gurugram and the case is fixed for framing of charge against the respondent. Besides the same, the applicant has also filed the petition under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act i.e. DV/344/2023, which is also pending in the Courts at Gurugram. Further, it is submitted that the applicant is working as a Marketing Manager in Gurugram and therefore, it is difficult for her to take leave to pursue the aforesaid litigation, pending at Panipat, more particularly, while taking care of the minor child. Also, it is submitted that the distance between Panipat and Gurugram is about 120 kilometres.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the applicant herself is financially affluent person, as she is working as a Marketing Manager and therefore, it is not difficult for her to pursue the litigation, at Panipat. Furthermore, it is submitted that her presence is not required on each and every date of hearing. Rather, it is submitted that the respondent is also the only son of his aged parents and he has to look after them.

In view of the submissions made, it is pertinent to mention that even though, preference is given by the Courts to the convenience of the wife, in the transfer applications relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances spelt out, also ought to be taken into consideration. Even though, two litigations, initiated by the applicant are pending in Gurugram, but however, the weighing fact to be considered is that the applicant is working as a Marketing Manager.

Though, no further particulars of her job have been disclosed, but obviously,



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the applicant is financially in a stable condition and is bound to be an educated person.

In the given circumstances, on query by this Court, it is disclosed by the counsel for the applicant that, at the time, when the applicant pursues her job, the daughter remains in the custody of her (applicant's) parents, who reside in the separate portion in Gurugram. This factor also weighs in the mind of this Court, while deciding the present application. Considering the applicant to be an educated person, who is financially well-off, considering the distance between Panipat & Gurugram and also considering the civil nature of litigation pending, where personal appearance of the applicant is not required, on each and every date of hearing, no case is made out for allowing the application.

Hence, the transfer application is hereby dismissed.

However, the applicant has an option to file an application before the Court concerned, to secure her presence through video conferencing, as and when required. Learned Family Court shall consider the said application.

However, the observations made aforesaid, are circumscribed only for the purposes of disposal of the transfer application and the same shall have no bearing on the other litigation, pending between the parties to the lis.

19.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No