



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

Sr. No.129

**TA-1311-2024 (O&M)
Date of Decision: 30.04.2025**

SONIKA

....Applicant

Versus

TUSHAR KHOKHAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sumit Sharma, Advocate
for the applicant.

Mr. K.S. Malik, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-18630-CII-2024

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

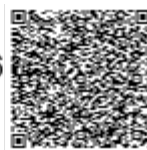
Main case

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/898/2023, titled '*Tushar Khokhar Vs. Sonika*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

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

The 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 13.12.2021, but no child



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was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. It is submitted that though the applicant is doing Ph.D. in English from BITS Pilani, District Jhunjhunu (Rajasthan), but, she is not having any source of earning. Also, it is submitted that on account of this matrimonial dispute, the applicant has already filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Bhiwani and the respondent is making appearance in the same. Even, the respondent is facing trial in the Bhiwani Courts, relating to FIR bearing No.68 dated 14.08.2024, under Sections 323, 406, 498-A and 506 IPC, got registered at the instance of the applicant at Women Police Station Bhiwani.

On the other hand, the counsel for the respondent submits that the distance between the two places, where the divorce petition is pending and where it is sought to be transferred, is only 50 kilometres. Therefore, the applicant can very conveniently pursue the divorce petition, in the Courts at Rohtak.

In view of the submissions aforesaid, it is pertinent to mention that, generally the Courts lean towards the convenience of the wife, in case of transfer applications relating to the matrimonial disputes. In the case in hand, the applicant is not having any source of earning. In fact, she is still pursuing Ph.D. at District Jhunjhunu (Rajasthan) and she is residing in the hostel. Considering the same, it would be just and expedient, if the transfer application is accepted, for the convenience of the wife, to pursue the same, at her parental place.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e.



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DMC/898/2023, titled '*Tushar Khokhar Vs. Sonika*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Bhiwani. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Bhiwani.

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

30.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No