



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

Sr. No.118

TA-1187-2025

Date of Decision: 23.12.2025

SHEELA DEVI

....Applicant

Versus

NAKUL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Mr. Harshit Singla, 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/524/2025, titled '*Nakul Vs. Sheela Devi*', filed by the respondent-husband, pending in the Family Court, Jind and she seeks transfer of the same to the Court of competent jurisdiction at Kurukshetra.

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

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 09.05.2017, but no child was born from the said wedlock. However, on



account of the matrimonial dispute, the parties are residing separate. The applicant has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Kurukshetra, at appearance stage. Further, it is submitted that the applicant has been recently appointed and posted as an 'Auxiliary Nurse Midwife' (ANM), at District Civil Hospital, Kurukshetra, under the ATF Scheme. Copy of the appointment letter is Annexure A-6. While making reference to the same, counsel for the applicant submits that it is a contractual job, only for a period of one year. Considering the same, it is submitted that since the applicant is not having regular source of earning, it is difficult for her, to commute a distance of about 100 kms., to defend the divorce petition.

On the other hand, counsel for the respondent, while making reference to the reply, submits that it shall be too harsh for the respondent also, to pursue the divorce petition, in case the transfer application is accepted. He submits that under the constrained circumstances, the respondent is not working and as such, is unemployed at present. His sister is suffering from mental ailment. Even, his mother is having age-related medical issues. In this regard, counsel for the respondent makes reference to Annexures R-1 and R-2. Considering the same, he submits that it shall be difficult for the respondent also, to go away from Jind, on account of medical ailments, more particularly, that of her sister.

In view of the submissions aforesaid, it is pertinent to mention that while considering the transfer application relating to the matrimonial dispute, various factors spelt out from the material brought on record, are to



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be taken into consideration. No doubt, as pointed out, the applicant is an educated lady, who is working as 'ANM', as per the appointment letter, copy whereof is Annexure A-6, but however, the same is short-term contractual job, for a period of one year, out of which only a period of three months is left. The distance between the two places is 100 kms.

Though, counsel for the respondent has stated that sister of the respondent, is suffering from mental ailment and even reference has been made to Annexure R-1, which also states about her to be undergoing regular treatment in Civil Hospital, Jind, in Neuropsychiatry department, but however, on query by this Court, it is disclosed that the respondent's sister is not admitted in hospital. She is to be extended treatment, as and when there is bout of attack. On further query, counsel for the respondent submits that the respondent is 'MBA' qualified and is unemployed, as he is taking care of his sister and mother. No doubt, from the medical record, annexed with the reply, it is evident that the sister of the respondent is suffering from mental ailment. Though, she is not admitted in any hospital, but however, she is regularly undergoing treatment. There is no specific period for occurrence of such attacks and under such circumstances, it shall definitely be difficult for the respondent also, to leave the station, as it is submitted that there is no other family member to take care of his sister and mother.

In view of the aforesaid fact situation and taking into consideration the fact about the contractual job of the applicant, which is about to finish, after a period of three months and balancing the convenience/inconvenience of both the parties, this Court deems it appropriate to transfer the divorce petition at a mid-station, which is equi-



distant from Jind, as well as Kurukshetra. Considering the same, the transfer application is partly allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/524/2025, titled ‘*Nakul Vs. Sheela Devi*’, filed by the respondent-husband, stands transferred from the Family Court, Jind, to the Court of competent jurisdiction at Kaithal. The requisite record of the aforesaid case be sent by the Family Court, Jind, to the District and Sessions Judge, Kaithal.

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

Anyhow, both the parties always have an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

23.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No