



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

Sr. No.106

TA-1514-2023

Date of Decision: 10.07.2025

NEETU DHIMAN

....Applicant

Versus

MUKESH DHIMAN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. G.C. Shahpuri, Advocate
for the applicant.

Mr. Mrigank Sharma, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/624/2022, titled '*Mukesh Dhiman Vs. Neetu Dhiman*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar.

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 12.10.2002. Two daughters were born from the said wedlock, who are 22 years and 18 years old. They are presently in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. The applicant had filed the petition under Section 125



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Cr.P.C. and the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Yamuna Nagar and the respondent is making appearance in both the said cases. Also, it is submitted that the applicant is a housewife and therefore, it is difficult for her to defend the petition under Section 9 of the Hindu Marriage Act, pending in the Courts at Ambala.

On the other hand, the counsel for the respondent, while making reference to the reply, submits that the daughters born from the said wedlock, are grown up and on account of their studies, the applicant was also residing at Ambala. In the given circumstances, it is submitted that it shall not be difficult for the applicant, to defend the litigation, while it remains pending at Ambala.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, while considering the transfer applications relating to the matrimonial disputes. Even though, it is not a thumb rule, but however, various circumstances brought forth from the material on record, also ought to be taken into consideration. In the case in hand, the daughters born from the wedlock of the parties, are residing with the applicant. The daughters are grown up and as such, they require the company of the mother. Even, the applicant is not having any source of earning. Also, two cases arising from the matrimonial dispute, as observed aforesaid, are already pending in the Courts at Yamuna Nagar.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/624/2022,



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titled '*Mukesh Dhiman Vs. Neetu Dhiman*', filed by the respondent-husband, stands transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Yamuna Nagar. The requisite record of the aforesaid case be sent by the Family Court, Ambala, 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.

10.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No