



TA-1476-2024

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

Sr. No.106

TA-1476-2024

Date of Decision: 29.07.2025

MAMTA SHARMA

....Applicant

Versus

ABHISHEK SHARMA AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. A.S. Manaise, Advocate
for the applicant.

Mr. S.S. Gill, Advocate
for respondent No.1.

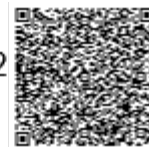
Application qua applicant No.2 dismissed as withdrawn,
vide order dated 16.05.2025.

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/555/2024, titled '*Abhishek Sharma Vs. Mamta Sharma and another*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Ferozepur.

Upon notice issued, respondent No.1 made appearance through counsel and filed reply.

Counsel for the parties heard.

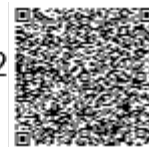


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At the very outset, it is submitted by the counsel for the applicant that the marriage of the applicant with respondent No.1, had taken place on 07.02.2013. One daughter born from the said wedlock, who is about 10 years old at present, is in the care and custody of the applicant. Also, it is submitted that the applicant is not doing any job and as such, has no source of earning. She is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/72/2024, which is pending in the Courts at Ferozepur and the respondent is pursuing the same. Besides the same, respondent No.1 is also facing trial in the Courts at Ferozepur, relating to FIR bearing No.28 dated 23.09.2024, under Sections 406 and 498-A IPC, got lodged by the applicant at Women Police Station, District Ferozepur. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 125 kilometres, to defend the divorce petition, more particularly, when she is having custody of the 10 year old child, who is school-going.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that filing of the present transfer application is misuse of the process of law, as the fault lies with the applicant, as she is having an extra-marital affair with respondent no.2- Chotu Mahajan @ Nikka Mahajan. In fact, the counsel makes reference to the pages of diary, as well as transcript of the audio communication, which have been annexed with the reply. In the light of the same, it is submitted that it will be too harsh for the respondent also, if the transfer application is accepted.

In view of the submissions aforesaid, it is pertinent to mention



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that though, generally the Courts given weightage to the convenience of wife, while considering the transfer applications relating to the matrimonial dispute, but however, the same is not a thumb rule. Various other circumstances, being surfaced from the material brought on record, ought to be taken into consideration and then balancing of convenience/inconvenience of both the parties ought to be done by the Court. In the case in hand, the daughter born from the wedlock of the parties, who is about 10 years old, is in the care and custody of the applicant and she is school-going.

Furthermore, on query by the Court, it is stated by the counsel for the applicant, that the respondent is not paying any maintenance to the applicant or her daughter. Besides the same, the applicant is not having any source of earning. Even, two other cases arising from the matrimonial dispute, are pending in the Courts at Ferozepur. So far as, the adulterous relationship of the applicant, as pointed out by the counsel for the respondent, while placing reliance upon the contents of the diary, which is Annexure R-1/1 and also the transcript of audio communication of the applicant with respondent No.2, copy whereof is Annexure R-1/3, is concerned, it is pertinent to mention that said documents are yet to be proved in evidence and this Court is consciously keeping a restrain about making mention of the said documents.

However, considering the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/555/2024, titled '*Abhishek Sharma Vs. Mamta Sharma and another*',



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filed by the respondent-husband, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Ferozepur. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Ferozepur.

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

29.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No