



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

Sr. No.102

TA-1478-2024

Date of Decision: 26.11.2025

SONIYA

....Applicant

Versus

SANDEEP

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rajesh Goyal, Advocate
for the applicant.

Ms. Menka Gupta, 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/484/2024, titled '*Sandeep Vs. Soniya*', filed by the respondent-husband, pending in the Family Court (Camp Court) Bahadurgarh, District Jhajjar and she seeks transfer of the same to the Court of competent jurisdiction at Samalkha, District Panipat.

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 28.02.2008. One son born from the said wedlock, who is about 14 years old,

is in the care and custody of the applicant. On account of the matrimonial



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dispute, the parties are residing separate. The applicant, together with the child, is residing at her parental place. On account of this matrimonial dispute, the applicant had filed the petition under Section 125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Samalkha, District Panipat and the respondent is making appearance in the same. Besides the aforesaid, the respondent is also facing trial in the Courts at Panipat, relating to FIR bearing No.784 dated 13.12.2021, under Sections 323, 354, 377, 406, 498-A and 506 IPC, got lodged by the applicant. Also, the distance between the two places is about 90 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the respondent has his own constrained circumstances, as his brother is not well. Even, his aged father is having age-related medical issues. In the given circumstances, while pursuing the private job, it is submitted that it shall be difficult for the respondent also, to pursue the divorce petition, if so transferred.

Considering the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. Each case has to be decided in its own factual background and one distinctive circumstance may change the fate of the transfer application. In the case in hand, the applicant is not having any source of earning and the son born from the wedlock of the parties, who is a teenager, is being taken care of, by



her. Even, there are three cases arising from this matrimonial dispute, which are already pending in the Courts at Samalkha, District Panipat and the same are being pursued by the respondent.

In view of the aforesaid fact situation and considering the convenience/inconvenience of both the sides and also considering the fact about the minor son, residing with the applicant, who is having no source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/484/2024, titled '*Sandeep Vs. Soniya*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Bahadurgarh, District Jhajjar, to the Court of competent jurisdiction at Samalkha, District Panipat. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Bahadurgarh, to the District and Sessions Judge, Panipat.

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

26.11.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No