



TA-1514-2024

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

Sr. No.242

TA-1514-2024

Date of Decision: 21.08.2025

ANMOL

....Applicant

Versus

HIMANSHU KOCHAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arunim Kathuria, Advocate
for the applicant.

Mr. Ravinder Singh, 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. DMC/46/2024, titled '*Himanshu Vs. Anmol*', filed by the respondent-husband, pending in the Family Court, Panipat and she seeks transfer of the same to the Court of competent jurisdiction at Ambala.

Upon 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 16.04.2022, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. Even, the applicant had filed the petition under Section 144 of the Bharatiya Nagarik Suraksha



Sanhita, 2023, which is pending in the Courts at Ambala and the respondent is making appearance in the same. Besides the same, the respondent is facing trial in the Courts at Ambala, relating to FIR bearing No.246 dated 26.04.2023, under Sections 323, 406 and 498-A IPC, got lodged by the applicant at Police Station Ambala Cantt. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 115 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply, submits that it is only on account of bad conduct of the applicant, that there is a dispute between the parties. Impliedly, while making reference to paragraph No.3 of the reply, it is submitted there is an extra-marital affair of the applicant, as a result whereof, the parties are residing separate. Also, the counsel submits that the respondent is facing constrained circumstances, on account of having a disabled sister, as well as, aged mother. In the given circumstances, he makes a prayer for dismissal of the transfer application.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, in case of transfer application relating to the matrimonial dispute, though it may not be a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. In the case in hand, on account of the dispute, there are two other cases pending in the Courts at Ambala, one is petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the another is trial faced by the respondent in the criminal case. The respondent is pursuing both the said cases. Even though, it is submitted that the sister of the applicant is



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handicapped, but however, it needs to be taken into consideration that the respondent is already pursuing two other cases in Ambala, out of which one is trial in the criminal case, which requires his personal appearance.

In view of the aforesaid fact situation and also taking into consideration about the applicant, not having any source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/46/2024, titled '*Himanshu Vs. Anmol*', filed by the respondent-husband, stands transferred from the Family Court, Panipat, to the Court of competent jurisdiction at Ambala. The requisite record of the aforesaid case be sent by the Family Court, Panipat, to the District and Sessions Judge, Ambala.

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

However, in view of the constrained circumstances, as submitted on behalf of the respondent, he always has 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, in the fitness of circumstances and pass an appropriate order, in the fitness of circumstances.

21.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No