



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

Sr. No.111

TA-1678-2023

Date of Decision: 29.04.2025

NANCY

....Applicant

Versus

VINAY DHEER

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Mr. Dhruv Gupta, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The present application has been filed by the applicant-wife, for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/598/2023, titled '*Vinay Dheer Vs. Nancy Garg*', 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 Kharar, District SAS Nagar.

Upon notice issued, 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 27.05.2022, but no child was born from the said wedlock. However, due to the matrimonial dispute, the parties are residing separate. Presently, the applicant is residing with her parents. Also, it is submitted that the applicant



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was indulging in online coaching classes, before marriage, but now, she is dependent upon her parents. Even, the applicant has one brother, who is residing abroad. Furthermore, it is submitted that on account of her father's ill health, the applicant has given up her job. In these circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 55 kilometres, to defend the divorce petition, pending in the Courts at Ambala.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the applicant has not come to the Court with clean hands. In fact, she has suppressed the material facts. She was working as Manager in Mangalam Training and Coaching Institute, Gurugram and having salary of Rs.38,808/-. A copy of the pay slip has been produced in the Court today, by the counsel for the respondent and the same is taken on record. Also, it is submitted that earlier also, the applicant was working in job placement and consultancy, which was having office at Zirakpur. However, while making reference to paragraph No.3 of the reply, the counsel for the respondent submits that the applicant was indulging into wrongful activities, while being employed there. Also, it is submitted that, at present, the respondent is posted at Kaithal and he is in the government job. As such, it will be difficult for him also to contest the said litigation, in case it is transferred. Moreover, it is submitted that there are already two cases pending in the Courts at Ambala and three cases are pending in the Courts at Kharar.

In view of the submissions aforesaid, it is pertinent to mention that even though, the Courts generally lean towards the convenience of the wife, in case of transfer applications relating to the matrimonial disputes, but



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however, the same is not a thumb rule. Various other circumstances, coming forth, also ought to be taken into consideration, to adjudicate the question of transfer of the case arising from the matrimonial disputes. The convenience of the wife, cannot be *ipso facto* taken into consideration and that too at the cost of inconvenience of the husband. Even though, the applicant had stated in the application about ill health of her father, on account of which, she is not doing any work, but however, it is a vague assertion. No document of any type has come on record. Rather, in the application itself, though, the applicant had stated about giving online coaching before marriage, but no detail, as such, has been given. Further, the applicant has made mention of being dependent upon her parents, but nothing has been averred, if she is working at present or not. Besides the assertion of ill health of her father, the only circumstance pressed upon is, with regard to the distance between the two places, where the divorce petition is pending and where it is sought to be transferred. However, the distance, as such, also has to be taken into consideration, while considering the capacity of the person seeking transfer, to pursue the litigation.

During the course of submissions, on query by the Court, it is disclosed by the counsel for the applicant that the applicant is preparing for UGC. Also, from the pay slip, which has been placed on record today itself, it is evident that the applicant was working in Gurugram, which fact has not been disclosed, at any stage. No detail has been given, as to when the applicant had left the job and the reason assigned for leaving the same. Furthermore, no document relating to the ill health of the father of the applicant, has come on record. Moreover, there is no child born from the said wedlock. In the given circumstances, apart from the distance, as



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alleged, there is no other mitigating circumstances, in favour of the applicant. She is pretty confident lady, who can very well commute a distance of 55 kilometres, to defend the divorce petition, more particularly, when there is well-connected transport communication between the two places.

In view of the aforesaid fact situation, no case is made out for allowing the application. Hence, the transfer application is hereby dismissed.

29.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No