



TA-1631-2024

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

Sr. No.206**TA-1631-2024****Date of Decision: 15.05.2025****PRIYANKA****....Applicant****Versus****ABHIMANYU****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Sanya Shangari, Advocate for
Mr. Sarthak Gupta, Legal Aid Counsel
for the applicant.

Mr. Mayur Karkra, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Mr. Mayur Karkra, Advocate, has made appearance on behalf of the respondent and filed Power of Attorney, which is taken on record. As per the instructions received from the respondent, the counsel submits that he does not intend to file reply to the transfer application, though he contests the same.

The counsel for the parties heard.

The applicant-wife has filed the present application for seeking



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transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/307/2024, titled '*Abhimanyu Vs. Priyanka*', 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 Ganaur, District Sonapat.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 28.02.2017. One son born from the said wedlock, who is presently 7 years old, is in the care and custody of the respondent. However, on account of the matrimonial dispute, the parties are residing separate.

On query by the Court, it is submitted by the counsel for the applicant that the applicant is not working and as such, has no source of earning. Further, it is submitted that the applicant had got lodged an FIR bearing No.77 dated 15.02.2020, under Sections 323, 34, 406, 498-A, 506 and 354 IPC, wherein challan has been presented and the respondent is facing trial qua the said FIR, in the Courts at Ganaur. The distance between the two places is stated to be about 36 kilometres.

On the other hand, the counsel for the respondent submits that the applicant had intentionally suppressed the fact about her doing job. Further, it is submitted that both the stations are situated on the G.T. road and the child born from the wedlock is also in the care and custody of the respondent.

In view of the rival submissions made aforesaid, it is pertinent to mention that even though, generally, the Courts lean towards the convenience of the wife, while considering the transfer applications relating to the matrimonial disputes, but however, it is not a thumb rule. Various



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other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. In the case in hand, the distance between the two places is only 36 kilometres and both the stations are on the main road and even, there is well-connected means of transport. Besides the same, the respondent is also taking care of the minor child born from the wedlock.

Considering the aforesaid circumstances and also taking into consideration the fact that the applicant is not required to make appearance, on each and every date of hearing, no good ground is made out for acceptance of the application.

Hence, the transfer application is hereby dismissed.

15.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No