



TA-1668-2024 (O&M)

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

Sr. No.106

**TA-1668-2024 (O&M)
Date of Decision: 03.12.2025**

SEENA

....Applicant

Versus

VIKAS KUMAR KHOTH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kapil Kumar Khatter, Advocate
for the applicant.

Mr. Sushil Kumar Verma, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-24106-CIL-2025

The present application has been filed at the behest of the applicant, for placing on record rejoinder.

In view of the averments made in the application, same is allowed and the requisite rejoinder is taken on record.

Main case

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/729/2024, titled '*Vikas Kumar Khoth Vs. Seena*', filed by the



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respondent-husband, pending in the Family Court, Sirsa and she seeks transfer of the same to the Court of competent jurisdiction at Hisar.

In pursuance of notice issued, the respondent made appearance through counsel and filed reply. Even rejoinder filed.

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 08.02.2019. One daughter born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant along with her daughter, is residing at her parental place and as such, is dependent upon them, as she herself has no source of earning. The distance between the two places is about 91 kms. As such, it is difficult for the applicant, to defend the divorce petition, more particularly, while taking care of the minor child.

On the other hand, counsel for the respondent resisted the claim of the applicant. In fact, it is submitted that both the places, where the case is pending and where it is sought to be transferred, are well-connected by rail and road. Therefore, it should not be much difficult for the applicant, to defend the divorce petition, even if it remains pending at Sirsa. Moreover, it is submitted that the respondent has an apprehension of his false implication in some criminal case, as son-in-law of real uncle of the applicant is in police department at Hisar and even two brothers-in-law of the applicant are Advocates. Also, it is submitted that the respondent is suffering from severe



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back ache and therefore, it shall be difficult for him also to travel, to pursue the divorce petition, if so transferred.

In response to the aforesaid submissions, it is stated in the rejoinder by the applicant that none of the children of applicant's uncle, is employed in the police department. In fact, it is submitted that it is only one distant relative i.e. husband of applicant's niece, who is working in the police department, but he never remained posted in Hisar. In fact, it is also submitted that one brother-in-law of the applicant is an Advocate, but he is not practising and his father had already left the legal profession long ago. Otherwise also, they are residing at Tara Nagar, District Churu (Rajasthan) and therefore, they have no connection with anyone and as such, they cannot exercise any influence, upon the litigation of the parties to the lis.

In view of the submissions aforesaid, it is pertinent to mention that each case, relating to the transfer application of the matrimonial dispute, is to be considered in its own factual background and one distinctive circumstance, may lead to the different fate of the transfer application. In the present case, the most relevant weighing factor to be considered, is about the two years old daughter, residing with the applicant/mother, who herself has no source of income. Even though, in the reply, it has been stated about the son-in-law of one of the real uncle of the applicant, to be employed in the police department and two brothers-in-law of the applicant, to be Advocates and on this account, the respondent has an apprehension of his false implication in some criminal case, but however, in the rejoinder, the position has been made clear that no near relative of the applicant is working



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in the police department and even one of her brother-in-law, who is an Advocate, is residing in Churu (Rajasthan). In the given circumstances, there is apparently no chance of any kind of exercise of influence, at the instance of the applicant. Otherwise also, the respondent has only stated in a vague manner, about the apprehension of his false implication. No instance, as such, has been given, from where he had inkling of his false implication and also further, he has not brought on record any complaint filed, to assert about his apprehension.

Even though, counsel for the respondent has drawn the attention of this Court to the annexures annexed with the reply, to assert about the respondent to be suffering from back ache, but however, these documents though, state about the respondent to be suffering from back ache, but he has not been advised bed rest, in any of the prescriptions, which have been placed on record.

In view of the aforesaid fact situation, more particularly, considering the fact of the applicant taking care of the minor daughter, while herself having no source of earning and also taking into consideration the convenience/inconvenience of both the parties and balancing the same, in the fitness of circumstances, 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/729/2024, titled '*Vikas Kumar Khoth Vs. Seena*', filed by the respondent-husband, stands transferred from the Family Court, Sirsa, to the Court of competent jurisdiction at Hisar. The



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requisite record of the aforesaid case be sent by the Family Court, Sirsa, to the District and Sessions Judge, Hisar.

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

03.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No