

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

TA-54-2026 (O&M)

Date of decision: 26.05.2026

Ravina

...Petitioner(s)

Vs.

Deepak

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

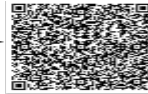
Present:- Mr. Rahul Singh, Advocate
for the petitioner.

NIDHI GUPTA, J.

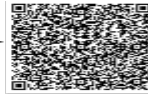
Prayer in this petition filed by petitioner-wife under Section 24 read with Section 151 of Civil Procedure Code, 1908 is for transferring of Petition No. DMC/896/2025 filed by respondent/husband under Section 9 of the Hindu Marriage Act, 1955 (Annexure P-1) titled as "Deepak Vs Ravina" from the court of Ld. Principal Judge, Family Court, Sonipat, District Sonipat to the court of Ld. Principal Judge, Family Court, Karnal.

2. Learned counsel for the petitioner/wife seeks transfer of the above said Petition filed by the respondent/husband under Section 9 of the Hindu Marriage Act, 1955 (Annexure P-1) *inter alia* on account of the following grounds: -

- that the petitioner was married to the respondent/husband on 07.10.2024.
- that no child was born out of the wedlock of the parties.



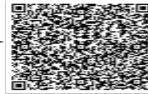
- that due to matrimonial discord, parties are residing separately since 10.04.2025;
 - that distance between village Mahamadpur, Tehsil and District Karnal to Sonipat is about 90 k.m. one side. As petitioner is unemployed and has no source of income, therefore, it is difficult for her to undertake travel of 90 k.m. one way from village Mahamadpur, Tehsil and District Karnal to Sonipat (as averred in para (III) of the present petition);
 - that the act and conduct of the respondent/husband and his family members is of criminal nature;
 - that following 3 cases filed by the petitioner are already pending before the District Court, Karnal, in which the respondent is appearing, the same being:
 - (a) HMA/30/2026 under Section 13 of the Hindu Marriage Act, 1955 pending adjudication before the court of Ld. Principal Judge, Family Court Karnal;
 - (b) MNT125/257/2025 under Section 144 of the BNSS, 2023 pending adjudication before the court of Ld. Principal Judge, Family Court Karnal; and
 - (c) CHI/2134/2025 Under Section 85, 351(2) of BNS, 2023 in which Final Report under section 193 of BNSS, 2023 already filed before the concerned court, pending at Karnal.
3. It is accordingly prayed that on account of the above said reasons, the present Transfer Application be allowed; and the Petition filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 pending before the Family Court, Sonipat, District Sonipat be transferred to Family Court, Karnal.
4. No other argument has been made on behalf of learned counsel for the petitioner. I have heard learned counsel for the petitioner



and have perused the case file in detail. I find no merit in the submissions advanced on behalf of the petitioner.

5. Perusal of the record of the case shows that petitioner and the respondent had met on Facebook in the year 2021. 3 years thereafter, they have solemnized marriage on 07.10.2024. Less than six months thereafter, parties have separated i.e. on 10.04.2025. As per the averments made by the respondent in the Petition filed by him under Section 9 of the Hindu Marriage Act (Annexure P-1), no child was born out of the wedlock.

6. A perusal of the Petition filed by the petitioner under Section 144 of BNSS (Annexure P-3) shows that petitioner has stated therein that she has passed PTE exam in December 2023. Petitioner has further stated in para 7 of the said Petition that respondent is working in a Book Company at Kharkhoda (Sonapat) and earning Rs.30,000/- p.m. Clearly therefore, petitioner has no onerous responsibilities that prevent her from travelling the short distance of 90 km, one side from Karnal to Sonipat. Whereas the respondent is working and earning his living and shall also be paying maintenance to the petitioner. On the other hand, petitioner despite being well qualified, has chosen not to work. In this situation, no exceptional or compelling circumstances have been brought on record by the petitioner to show that she is incapable of travelling short distance of 90 k.m. one side between Sonapat and Karnal; and that too, not on every date of hearing. Petitioner has been unable to make out any extenuating circumstances or hardship that warrant exercise of discretionary relief in her favour.



7. This Court is well aware that the preponderance of law in cases of transfer emanating from matrimonial disputes is in favour of the wife. However, in certain cases similar to the present one, the Hon'ble Supreme Court, as well as this Court have refused relief to the wife. One such case is: **(2006) 9 SCC 197 'Anindita Das Vs. Srijit Das'** wherein Hon'ble Supreme Court under similar circumstances dismissed the wife's application seeking transfer of petition filed by the husband. Reference may also be made to two cases of this Court where, in similar circumstances this Court had dismissed transfer applications filed on behalf of the wife. These are: **TA No. 126 of 2018 'Smt. Akhwinder Kaur Vs. Sh. Gurpreet Singh'**; and **TA No. 299 of 2019 'Nisha alias Manisha vs. Amarveer Yadav'**. The above said view has been reiterated by the Hon'ble Supreme Court most recently in **Vipul Changanlal Solanki v. Nikita Vipul Solanki, (SC) : Law Finder Doc Id # 2843797** decided on 12.1.2026.

8. Accordingly, in view of the factual and legal position as noted above, finding no merit in this petition, the same is hereby **dismissed**.

9. Pending applications, if any, also stand dismissed.

26.05.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No