



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

**Sr. No.114**

**TA-111-2025 (O&M)**

**Date of Decision: 05.02.2026**

**MANYA AGGARWAL**

**....Applicant**

**Versus**

**AMIT AGGARWAL**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Raghav Soni, Advocate  
for the applicant.

Mr. Umesh Aggarwal, Advocate  
for the respondent.

\*\*\*\*\*

**ARCHANA PURI, J. (Oral)**

**CM-25112-CII-2025**

The present application has been filed at the behest of the respondent, for placing on record copy of the disability certificate.

In view of the averments made in the application, same is allowed and the requisite document 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/1974/2024, titled '*Amit Aggarwal Vs. Manya Aggarwal*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

In pursuance of 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 03.10.2008. Two daughters born from the said wedlock, who are in the age group of 9-15 years, are in the care and custody of the respondent/husband. Also, it is submitted that on account of the matrimonial dispute, the parties are residing separate. The distance between the two places is stated to be about 147 kms. Also, on account of the broken marriage, the applicant has filed the complaint under Sections 11 and 12 of the Protection of Women from Domestic Violence Act i.e. COMA/46917/2023, as well as the petition under Section 125 Cr.P.C. i.e. MNT-125/432/2023, which are pending in the Courts at Ludhiana and the respondent is making appearance in the said litigation. Furthermore, it is submitted that the applicant is not having any source of earning and as such, is dependent upon her parental family.

On the other hand, counsel for the respondent refuted the claim of the applicant. Counsel submits that the respondent is having a locomotor



TA-111-2025 (O&amp;M)

disability. In this regard, counsel for the respondent has drawn the attention of this Court to the disability certificate, which has been placed on record today itself. It is submitted that the extent of disability has not been mentioned in the same and the respondent does not have any other document issued by the government, but however, the fact remains that the applicant is physically handicapped since his childhood. There is functional disability of the right arm and right leg. Besides the same, it is also submitted that the applicant is taking care of two daughters, who are of growing age. As such, it is submitted that if the application is allowed, it shall be difficult for the respondent also, to watch the interest of the growing daughters. Moreover, it is submitted that the respondent had not sought transfer of the two other cases, filed at the instance of the applicant, as the respondent is not required to make appearance in the said cases, on each and every date of hearing. Furthermore, counsel has given an undertaking on behalf of the respondent that he will be having no objection, if the statement of applicant is recorded through virtual mode and in case, her physical presence is ordered by the Court, the respondent will cross-examine the applicant, on that very day and shall not cause any inconvenience to the applicant.

In view of the submissions aforesaid, it is pertinent to mention that, while adjudicating on the transfer application relating to the matrimonial dispute, the Courts generally lean towards convenience of the wife. However, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration and then balancing of convenience/inconvenience of both the



TA-111-2025 (O&amp;M)

sides, ought to be done by the Court. In the case in hand, no doubt the applicant is not having any source of earning, but however, the most weighing factor is about the two daughters, who are in the age group of 9-15 years, to be in the care and custody of the respondent, more particularly, when he himself is suffering from locomotor disability. Though, the extent of disability has not come forth, but however, this fact is not disputed that the right forelimb and lowerlimb, of the respondent are affected by '*polio*'.

In any case, the respondent is having custody of two daughters, who are of growing age and definitely, it is bound to be a herculean task for the respondent, to take care of the said children. Considering the same and also watching the '*best interest*' of the daughters, no justifiable reason has come forth, to accept the transfer application, more particularly, when the applicant is not required to make appearance, on each and every date of hearing. Precisely, on this account, the respondent has not even filed the transfer application, for seeking transfer of two other cases, pending between the parties.

In view of the aforesaid fact situation, the transfer application is hereby dismissed.

Considering the undertaking given by the counsel for the respondent, the applicant always has an option to file an application before the Court concerned, to make appearance, as and when her statement is required to be recorded, through virtual mode. Upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances. However, in case,

physical presence of the applicant is required, then the respondent shall remain bound by the statement made by his counsel, about conducting of cross-examination on that very day.

05.02.2026

Himanshu Vats

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No