



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

Sr. No.106

**TA-117-2025 (O&M)
Date of Decision: 09.02.2026**

BHAWNA

....Applicant

Versus

RAVI KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Anu Garg, Advocate
for the applicant.
(Through video conference).

Mr. Baljeet Beniwal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/560/2023, titled '*Ravi Kumar v/s Bhawna*', filed by the respondent-husband, pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Charkhi Dadri.

Upon notice issued, the respondent made appearance through counsel and filed reply.

In view of the contents of the reply, vide order dated 27.11.2025, an opportunity was given to the applicant to file rejoinder, but however, the same was not 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 11.03.2011 and one son and daughter, were born from the said wedlock, who are 12 years and 08 years old, respectively. Both the said children, are in the care and custody of the respondent. Also, it is submitted that the applicant has filed petition under Section 125 Cr.P.C., petition under the Guardian and Wards Act i.e. GW-10-2023 as well as complaint under Section 12 of Protection of Women from Domestic Violence Act, which are pending in the courts at Charkhi Dadri and respondent is making appearance in the said cases. The applicant is not having any source of earning. The distance between the two places is stated to be 100 kms.

Further also, counsel for the applicant submits that the applicant had tried to get a job in a private school and had joined only for one week on trial basis, but she was not allowed to work and thus, she has no source of earning.

On the other hand, counsel for the respondent while making reference to the reply submits that the applicant has not come to the court with clean hands. Both the minor children born from the broken marriage, are in the care and custody of the respondent and are studying at OP Jindal Model School, Hisar. In fact, it is submitted that the applicant is well educated lady. She was employed in an educational institution and she has left her job only with the malafide intention to cause harassment to the respondent and to have undue gain. In fact, she has concealed the fact of not working and therefore, she had in her pleadings, very smartly stated about having worked in a private school, for a period of one week on trial basis.



TA-117-2025 (O&M)

Rather, the counsel emphasized that she is working as private teacher at Maple International School and also placed on record the photographs of her work place, which shows that the applicant to be actively involved in the school activities. Thus, the counsel submits that in case the transfer application is accepted, it shall be too harsh for the respondent also, to pursue the litigation, while taking care of the minor children.

In view of the photographs coming on record, a query was put to the counsel for the applicant, to explain the same, but however, nothing, as such, has been stated by the counsel to controvert the photographs, so placed on record.

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 the convenience of wife, but 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. One distinctive circumstance, may lead to a different decision in the transfer application. The most weighing factor in the present case is about the respondent taking care of the two minor children, who are in their growing age. The son is 12 years old and the daughter is 08 years old. They are bound to be school going.

Taking into consideration the aforesaid factor, obviously the father, who is doing single parenting, is bound to face many challenges in upbringing of the children. Considering the fact of the father taking care of two children, it is pertinent to mention that the applicant, at first instance, did not disclose about her working status. She simply stated that she had



TA-117-2025 (O&M)

tried to get a job in a private school and had joined only for one week, on trial basis, but she was not able to work. Counsel for the respondent has also placed on record certain photographs, which reveal about the applicant to be actively involved in the activities of the Maple International School at Bahadra. Also, on checking of the distance, the said school is located at a distance of about 146 kms, from the place of residence of the applicant. Despite the opportunity given to file the rejoinder, the applicant did not file the same. Meaning thereby, she is not coming up with the truth relating to her working status, which is spelt out from the material, otherwise brought on record. Even, the distance, which is coming forth, is such, which is similar to the distance between Hisar and Charkhi Dadri.

Considering the aforesaid, more particularly, considering the respondent to be having the custody of both the children, who are of growing age, no case is made out to accept the transfer application.

Hence, the same is hereby dismissed.

09.02.2026

Sonu Saini

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No