



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**
Sr. No.224
TA-150-2025
Date of Decision: 03.02.2026

MOHIT MALIK

....Applicant

Versus

RIPUL PUNIA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vikas Chatrath, Senior Advocate assisted by
Ms. Priya Kaushik, Mr. B.P.S. Thakur and
Ms. Haridhi Aggarwal, Advocates
for the applicant.

Mr. Parveen Kumar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-husband has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/978/2024, titled ‘*Ripul Punia Vs. Mohit Malik*’, filed by the respondent-wife, pending in the Family Court, Sonapat and he seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

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



16.02.2021, but no child was born from the said wedlock. Unfortunately, matrimonial dispute arose between the parties. Further, it is submitted that the respondent is residing and working in London. She is having educational qualification of 'Chartered Accountancy' and 'Masters of Commerce' from Delhi University and is employed in one of the top-most Multi-National Company of the world i.e. Deloitte. Also, it is submitted that the respondent had earlier got work visa from U.K. and as such, the applicant got the dependent Visa, being husband of the respondent. Now, the applicant has returned back to India and is working as a 'Software Engineer'. Furthermore, it is submitted that on account of doing a private job, it is difficult for the applicant, to commute a distance of about 210 kms. on one side, to defend the divorce petition. Also, it is submitted that the respondent is residing in London and therefore, the divorce petition is pursued through her father, who is her attorney-holder. As such, a prayer has been made for acceptance of the transfer application.

On the other hand, counsel for the respondent has refuted the claim for transfer of the divorce petition. In fact, it is submitted that it is though, not disputed about the residence of the respondent in London, but however, the divorce petition is being pursued by her mother, as attorney-holder and not by the father, though, he is also the attorney. Furthermore, it is submitted that out of the broken marriage, there are two other litigations pending between the parties. FIR bearing No.481 dated 23.12.2024, was got registered at the instance of the respondent at Police Station Sector 27, Sonapat, wherein challan has been presented and the applicant is facing trial,



relating to the said FIR and now, the case is fixed for recording of prosecution evidence, in the Courts at Sonapat. Besides the same, there is a private complaint under Sections 85, 316(2), 351(2)/(3), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023, filed by the respondent, against the applicant and his family members, which is still at the stage of recording of the preliminary evidence.

In view of the submissions aforesaid, it is pertinent to mention that, while adjudicating on the transfer application relating to the matrimonial dispute, generally the Courts 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 thereupon, balancing of convenience/inconvenience of both the sides ought to be made. In the case in hand, undisputedly, the respondent/wife is residing in London and the divorce petition is pursued by her parents i.e. her father and mother, being attorney-holders. The applicant is himself a software engineer. Earlier, he was also residing at London and now, he has returned back and is working in corporate sector. Though, it is submitted that it is difficult for the applicant, to commute a distance of about 210 kms., but however, the distance between the two places is one aspect, which ought to be taken into consideration, more particularly, considering the connectivity of the two places. Besides the same, there is no other reason put forth by the applicant, for seeking transfer of the divorce petition.

Also, it is required to be taken into consideration that two other litigations, arising from the broken marriage are already pending in the



Courts at Sonapat, more particularly, the criminal case, wherein the applicant is required to make appearance on each and every date of hearing.

In view of the aforesaid fact situation, more particularly, considering the fact of proper transport connectivity between the two places and the pending litigation, no case is made out for acceptance of the transfer application.

Hence, the transfer application is hereby dismissed.

But anyhow, considering the interest of the applicant also, he always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

03.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No