



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

(i) TA-316-2024 (O&M)

Smt.Latika Sharma
...Applicant

VERSUS

Vikram Sharma
...Respondent

(ii) TA-1605-2024 (O&M)

Smt.Latika Sharma and others
...Applicants

VERSUS

Vikram Sharma
...Respondent

Date of Decision: January 21, 2026

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Nikhil Chopra, Advocate
for the applicants.

Mr.Sachin Kalia, Advocate
for the respondent.

ARCHANA PURI, J.

The applicant-wife has filed these two transfer applications, for seeking transfer of the pending litigation between the parties.

TA-316-2024 has been filed for seeking transfer of the petition under Section 13 of the Hindu Marriage Act bearing No.HMA-117-2024, titled

**TA-316-2024 and connected case****-2-**

‘Vikram Sharma vs. Latika Sharma’ and TA-1605-2024 has been filed for seeking transfer of the civil suit bearing No.CS-11378-2024 titled ‘Vikram Sharma vs. Latika Sharma and others’. Both the aforesaid litigations are pending in the Courts at Ludhiana and applicant seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

In pursuance of the notice issued, the respondent made appearance through counsel. However, counsel for the respondent has made a statement that he does not want to file reply in either of the cases and though, he contests both the applications.

Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that the marriage between the parties to the lis had taken place on 17.01.2013 and two sons were born from the said wedlock, who are in the age group of 8-12 years. They are presently in the care and custody of the respondent. The applicant is not having any source of earning and is dependent upon her parental family. She has also filed petition under Section 125 Cr.P.C. as well as petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Jalandhar and the respondent is pursuing both the said litigations. The distance between the two places is stated to be 60 kms.

On the other hand, learned counsel for the respondent, though had not filed the reply, but he resists the transfer applications. He admits about both the children, born from this estranged marriage, to be in the care and custody of the respondent. They are minor children. Besides the same, he also have to take care of his aged mother. Also, he submits that

**TA-316-2024 and connected case****-3-**

respondent is working as Senior Section Engineer in the Northern Railway. His job is very demanding and it shall be difficult for him also, if the transfer applications are accepted and both the cases are transferred to Jalandhar.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration. There cannot be any straitjacket formula of universal application to be followed in each transfer application. Each case has to be adjudicated, in its own factual background.

In the case in hand, the most weighing factor is about two sons, who are in the care and custody of the respondent. Simultaneously, it also cannot be overlooked that the applicant is not having any source of earning and is dependent upon her aged parents. Apart from it, two other litigations are also pending in the Courts at Jalandhar, which are pursued by the respondent. He is also a government employee in the Railway Department and as such, so far his financial condition is concerned, he is much better placed than the applicant.

Even though, on behalf of the respondent, it is submitted that the job of the respondent is very demanding, there is mother of the respondent also available to take care of the children, who are not of such age, which call for the presence of one parent, all the time with them.

Considering the same and fact of two other litigation, already pending in the Courts at Jalandhar, which are pursued by the respondent and also about the applicant, to be not having any source of earning, it is just and expedient to accept the transfer applications.



TA-316-2024 and connected case

Hence, both the transfer applications are allowed and the petition under Section 13 of the Hindu Marriage Act bearing No.HMA-117-2024, titled ‘Vikram Sharma vs. Latika Sharma’ as well as civil suit bearing No.CS-11378-2024 titled ‘Vikram Sharma vs. Latika Sharma and others’, both filed by the respondent-husband, stand transferred from the Courts concerned at Ludhiana, to the Court of competent jurisdiction at District Jalandhar. The requisite record of the aforesaid cases be sent by the Courts concerned at Ludhiana to the District and Sessions Judge, Jalandhar.

Learned District and Sessions Judge, Jalandhar shall assign the said petitions to the Courts concerned at Jalandhar. Even, the parties are directed to appear before the Courts concerned, within a period of one month from today onwards.

January 21, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No