



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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TA-732-2026 (O&M)

Date of decision: 29.05.2026

Rekha

...Petitioner(s)

Vs.

Parmod Singh

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Rakhi Sharma, Advocate as
Legal Aid Counsel,
for the petitioner.

NIDHI GUPTA, J.

Prayer in this petition filed by petitioner-wife under Section 24 of CPC is for transferring petition filed by the respondent-husband U/s 13 of Hindu Marriage Act, 1955 (hereinafter referred to as "the HMA") bearing case No. DMC-278-2023 dated 13.04.2023 (Annexure P-1) pending before Ld. Principle Judge Family Court, Rewari to any Court of competent jurisdiction at Bhiwani in the interest of justice.

2. Learned counsel for the petitioner/wife seeks transfer of the above said Petition filed by the respondent/husband under Section 13 of the HMA (Annexure P-1) *inter alia* on account of the following grounds: -

- that the petitioner was married to the respondent/husband on 21.11.2011;
- that no child was born out of the wedlock of the parties;
- that due to matrimonial discord, parties are residing separately since 02.03.2012;



- that petitioner has a genuine apprehension of mischief at hands of respondent/husband and his family members;
- that petitioner has no source of income and is living at the mercy of her old aged parents;
- that although petitioner is M.A. and B.Ed. qualified however, due to various litigations, petitioner is unable to pursue any job; and
- that there are 4 cases filed by the petitioner which are already pending in Bhiwani, the same being:

(a) Two petitions bearing No. Exe-192-2025 and Exe-178-2026 for execution of maintenance order dated 25.05.2013 are pending adjudication before Ld. Additional Principal Judge (17), Family Court at Bhiwani;

(b) Petition for enhancement of maintenance bearing No. CRM-162-2022 is also pending before Ld. Additional Principal Judge (17), Family Court at Bhiwani;

(c) FIR No. 425 dated 02.07.2012 under Sections 406, 498A, 323, 34 of IPC against the respondent and his family members; and

(d) Complaint under Sections 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent and his family members, which was dismissed vide order dated 06.10.2014.

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 13 of HMA pending before Family Court, Rewari be transferred to the Court of competent jurisdiction at Bhiwani.

4. No other argument has been made on behalf of learned counsel for the petitioner. I have heard learned counsel and have perused the case file in detail.

5. I find no merit in the submission of the petitioner that she is unable to pursue the case at Rewari due to pendency of litigations



between the parties as the said litigations i.e. complaint under D.V. Act, Execution Petitions, Petition for enhancement of maintenance, and FIR, have been initiated by the petitioner herself. Admittedly, the petitioner is not suffering from any physical disability. As noted above, no child is born of the wedlock between the parties. Clearly therefore, petitioner has no onerous responsibilities that prevent her from travelling distance of 103 k.m., one side from Bhiwani to Rewari; and that too, not on every date of hearing, but only on effective dates. Petitioner has been unable to show any such unsurmountable inconvenience that prevents her from travelling to Rewari. In fact, it would appear that harassment is being caused to the respondent as he has been saddled with two litigations against him for a marriage that lasted for just about three months. Moreover, respondent would also be working to earn his livelihood and provide for his dependents, and shall also be paying maintenance to the petitioner. Whereas 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 distance of 103 k.m. between Bhiwani and Rewari. Petitioner has been unable to make out any extenuating circumstances or hardship that warrant exercise of discretionary relief in her favour.

6. 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, facts of each case have to be examined on their own merit. Moreover, 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 most recently reiterated by the Hon’ble Supreme Court in **Vipul Changanlal Solanki v. Nikita Vipul Solanki, (SC) : Law Finder Doc Id # 2843797** decided on 12.1.2026.

7. Accordingly, in view of the factual and legal position as noted above, finding no merit in this petition, the same is hereby **dismissed**.
8. Pending applications, if any, also stand dismissed.

29.05.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No