

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****124****TA-738-2026 (O&M)****Date of decision: 29.05.2026****Nittika Sharma alias Nittika****...Petitioner(s)****Vs.****Shubham Sharma****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

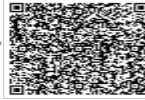
Present:- Mr. Balram Prashar, Advocate
for the petitioner.

NIDHI GUPTA, J.

Prayer in this petition filed by petitioner-wife under Section 24 of Code of Civil Procedure is for transferring application under Section 14 of the Hindu Marriage Act, 1955 (hereinafter referred to as "the Act") bearing CM No. 757 of 2025, and the accompanying petition under Section 13 of the Hindu Marriage Act, 1955 (Annexure P-1), titled as "Shubham Sharma Vs. Nittika Sharma", pending before the Court of the Ld. Additional Principal Judge, Family Court, Jalandhar, to the Court of competent jurisdiction i.e. Family Court at Ludhiana, in the interest of justice.

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

- that the petitioner was married to the respondent/husband on 06.12.2024;



- that no child was born out of the wedlock of the parties;
- that marriage lasted less than 2 months and parties started residing separately since 22.01.2025;
- that petitioner has no source of income and is living at the mercy of her parents;
- that although petitioner is B.Sc. and B.Ed. qualified however, due to various litigations, petitioner is unable to pursue any job; and
- that there are 3 cases filed by the petitioner which are already pending in Ludhiana, the same being:

(a) Petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS") seeking maintenance from the respondent bearing Case No. MNT/125/269/2026 is pending before Ld. Family Court at Ludhiana;

(c) Detailed written Complaint before Commissioner of Police, Ludhiana;

(d) Complaint under Sections read with Section 12 read with Sections 17, 18, 19, 20, 22, 23, 24 and 31 of the Protection of Women from Domestic Violence Act, 2005 against the respondent and his family members, which is presently pending before Ld. Judicial Magistrate 1st Class, Ludhiana.

3. It is accordingly prayed that for the above reasons, the present Transfer Application be allowed; and the application as well as Petition filed by the respondent under the Act pending before the Family Court, Jalandhar be transferred to the Court of competent jurisdiction at Ludhiana.

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



5. The submission advanced on behalf of the petitioner that she is unable to pursue her case at Jalandhar due to pendency of litigations between the parties is without merit as the said litigations i.e. complaint under D.V. Act, Written Complaint and Petition under Section 144 of BNSS, have been initiated by the petitioner herself. Further, 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 65 k.m., one side from Jalandhar to Ludhiana. On the other hand, admittedly respondent is doing business of metal casting under the name and style of M/s. Delight Scaffolding, situated at Transport Nagar, Jalandhar; 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 short distance of 65 k.m. between Jalandhar and Ludhiana; and that too not on every date of hearing, but only on effective dates. 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 reiterated by the Hon’ble Supreme Court most recently 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:	Yes/No
Whether reportable:	Yes/No