



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.114

TA-845-2025

Date of Decision: 12.02.2026

SWEETY

....Applicant

Versus

RAJESH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Lal Singh Sidhu, Advocate
for the applicant.

Mr. S.S. Sahu, 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. HMA/1272/2024, titled '*Rajesh Vs. Sweety*', filed by the respondent-husband, pending in the Family Court, Fatehabad and she seeks transfer of the same to the Court of competent jurisdiction at Sirsa.

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 25.05.2017 and it was the second marriage of both the parties. One daughter



born from the said wedlock, who is about 6 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning and as such, she, together with her daughter, is dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Sirsa and the respondent is making appearance in the same. Besides the same, she has also filed the petition under the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Sirsa, at appearance stage. The distance of the Courts at Fatehabad, from the residence of the applicant, is stated to be about 50 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the distance has been erroneously stated to be 50 kms., whereas, it is only 40 kms. Also, it is submitted that the distance is not such, which causes inconvenience to the applicant, more particularly, when there is good road connectivity between the two stations.

In view of the submissions aforesaid, it is pertinent to mention that though, much emphasis has been laid by counsel for the respondent, upon the distance between the two places, where the divorce petition is pending and where it is sought to be transferred, to be only 40 kms., but it should be noted that distance is only one factor, which is to be considered. There are various other circumstances also, which ought to be taken into consideration, while adjudicating on the transfer application relating to the matrimonial dispute. In the case in hand, the applicant is not having any



source of earning and despite the same, she is taking care of the daughter, who is about 6 years old, which is the most weighing factor.

In view of the aforesaid fact situation and more particularly, considering the ‘*best interest*’ of the child, who in all eventuality should be studying in the school, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1272/2024, titled ‘*Rajesh Vs. Sweety*’, filed by the respondent-husband, stands transferred from the Family Court, Fatehabad, to the Court of competent jurisdiction at Sirsa. The requisite record of the aforesaid case be sent by the Family Court, Fatehabad, to the District and Sessions Judge, Sirsa.

Learned District and Sessions Judge, Sirsa, shall assign the said petition to the Family Court, Sirsa. Even, the parties are directed to appear before the Family Court, Sirsa, within a period of one month from today onwards.

12.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No