

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.109

TA-935-2025

Date of Decision: 27.03.2026

VIRTIKA @ VRITIKA**....Applicant****Versus****RINKU****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Sumit Sangwan and Ms. Suyma, Advocates
for the applicant.

Mr. Surinder Gaur, 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. DMC/251/2025, titled '*Rinku Vs. Virtika*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Charkhi Dadri.

In pursuance of notice issued, the respondent made appearance through counsel and filed reply. Even, rejoinder was filed.

Counsel for the parties heard.

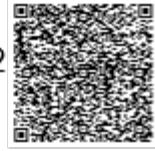
At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on



16.02.2021 at Village Phogat, Tehsil and District Charkhi Dadri. Two daughters were born from the said wedlock on 29.10.2022 and 30.01.2025. On account of the matrimonial dispute, the parties are residing separate. The elder daughter is in the care and custody of the respondent/husband, whereas the younger daughter is in the care and custody of the applicant/wife. The applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she along with the younger daughter, had filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, petition under the Protection of Women from Domestic Violence Act and the petition under Section 9 of the Hindu Marriage Act, which are pending in the Courts at Charkhi Dadri. Counsel submits that the respondent is making appearance in the maintenance petition, as well as the petition under the Protection of Women from Domestic Violence Act, whereas the petition under Section 9 of the Hindu Marriage Act, is still at appearance stage.

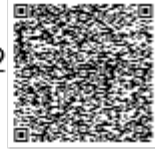
Besides the aforesaid, counsel submits that the respondent and his family members are facing trial in the Courts at Charkhi Dadri, relating to FIR bearing No.90 dated 10.07.2025, under Sections 115, 127(2), 3(5), 316(2), 351(2), 79 and 85 of the Bharatiya Nyaya Sanhita, got lodged by the applicant at Police Station Bond Kalan, District Charkhi Dadri. The distance between the two places is stated to be about 60 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant has not come to the Court with clean hands. In fact, her going away from the matrimonial home, was



in a planned manner. Further, it is submitted that the applicant has falsely alleged her parental place to be Charkhi Dadri, whereas, the applicant and her parental family members, are permanent residents of Rohtak. In this regard, counsel has made reference to number of documents annexed with the reply. In fact, counsel, while making reference to Annexure R-1, which is copy of the voters list, submits that the said list relates to Municipal Corporation, Rohtak, which carries the voter details of the applicant and her family members. Also, counsel submits that the applicant had studied at Rohtak. In this regard, counsel makes reference to copy of the identity card of the applicant, issued by the College, copy whereof is Annexure R-2. Besides the same, counsel submits that Aadhar Card has been prepared by the applicant, in a mischievous manner, thereby mentioning the address of Charkhi Dadri, by updating the particulars. Also, the counsel makes reference to Annexure R-3 i.e. Aadhar Card of the applicant, which states about the details, as mentioned on 03.02.2025 and it reflects the address of Charkhi Dadri. Furthermore, counsel has made reference to Annexure R-4, which is copy of the marriage invitation card of the brother of applicant, wherein, the address mentioned is that of Rohtak.

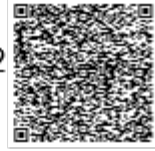
Besides the aforesaid, counsel also submits that the conduct of the applicant is not above board. She is into relationship with some other person, during the subsistence of her marriage and this conduct is causing bitterness between the applicant and the respondent.



In the light of the aforesaid documents, counsel submits that it is solely with a purpose to harass the respondent that various litigation, arising from the estranged marriage, has been filed at Charkhi Dadri.

Even, rejoinder was filed qua the aforesaid assertions made in the reply. With regard to the aforesaid assertions, counsel for the applicant expresses total denial about the applicant and her parental family, to be a residents of Rohtak. In fact, it is submitted that they are permanent residents of Village Phogat, District Charkhi Dadri. However, only for better education of the children, as well as keeping in view the future prospects of growth, there was intermittent shifting of the applicant and her parental family members, to Rohtak. In the light of the same, counsel has categorically denied about the applicant and her family members to be resident of Rohtak.

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. One distinctive circumstance, may change the fate of the case. Generally, the Courts lean towards convenience of the wife, while considering such applications, but however, the same is not a thumb rule. Various other conspicuous circumstances, spelt out from the material brought on record, ought to be taken into consideration. The most weighing and relevant factor, in the present case, is birth of the two daughters from the estranged marriage. The elder daughter, who is about 3½ years old, is in the care and custody of the respondent/husband, whereas the younger daughter, who is about 1½



years old, is in the care and custody of the applicant/wife. Both the children are of such age, which requires personal attention and care, more specifically of the mother. The applicant is taking care of the toddler, more particularly, while she herself is not having any source of earning.

Besides the aforesaid, it is pertinent to mention that much emphasis has been laid by the counsel for the respondent, upon the applicant to be permanent resident of Rohtak and reference has been made to documents, Annexures R-1 to R-4. May it be so. At this juncture, it is pertinent to take into consideration the recitals of the rejoinder, wherein, it is specifically stated that it was for better education and also chances of growth that there was intermittent shifting to Rohtak. In the light of the same, suffice to consider the version, now put forth by the applicant and therefore, in any case, at this stage, it cannot be conclusively held that the applicant is permanent resident of Rohtak only. Apart from it, also it is pertinent to mention that four other litigations, arising from this estranged marriage, are pending in the Courts at Charkhi Dadri and the respondent is making appearance in three cases, more particularly, the criminal case, wherein he is required to make appearance on each and every date of hearing.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/251/2025, titled '*Rinku Vs. Virtika*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at



Charkhi Dadri. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Charkhi Dadri.

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

27.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No