



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

Sr. No.239

TA-980-2025 (O&M)

Date of Decision: 16.01.2026

RENU

....Applicant

Versus

MONINDER

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ishnoor Singh, Advocate for
Mr. Vikram Singh, Advocate
for the applicant.

Ms. Nisha Kanojia, Advocate for
Mr. Shivansh Malik, 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/336/2025, titled '*Moninder Vs. Renu*', filed by the respondent-husband, pending in the Family Court, Sonapat and she seeks transfer of the same to the Court of competent jurisdiction at Rohtak.

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 04.11.2022, but no child was born from the said wedlock. Unfortunately,



matrimonial dispute arose between the parties and they are residing separate. The applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of maintenance, as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Rohtak and the respondent is making appearance in both the said cases. The distance between the two places is stated to be about 70 kms.

On the other hand, counsel for the respondent, while making reference to the reply, refuted the claim for transfer of the divorce petition. In fact, it is submitted that the respondent is also facing difficulty, as he has to look after his parents, who are also having several medical ailments. His father is a patient of advanced diabetes and his mother is undergoing treatment for blood cancer. Also, the distance between the two places is stated to be only 50-60 kms., which is not such a long distance, which may cause inconvenience to the applicant, while travelling to pursue the litigation.

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 have to be taken into consideration. Though, generally the Courts lean towards convenience of the wife, but however, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, the parents of the respondent are also having medical issues, as asserted in the reply and as per the medical record, which is placed on record. However, the duty of the respondent to take care of his parents, has



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to be taken into consideration, in the backdrop of the circumstances, allegedly faced by the applicant-wife. The applicant is not having any source of earning. She has already filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Rohtak. Besides the same, as confirmed by the counsel for the respondent, the respondent is also facing trial in the Courts at Rohtak, relating to FIR bearing No.8 dated 15.02.2025, under Sections 323, 34, 377, 498-A and 506 IPC, got lodged by the applicant at Women Police Station, Rohtak.

In view of the aforesaid fact situation, considering the fact of three other litigations, already pending in the Courts at Rohtak, more particularly, the criminal case, wherein the respondent is required to make appearance on each and every date of hearing and also considering the fact about applicant not having any source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/336/2025, titled '*Moninder Vs. Renu*', filed by the respondent-husband, stands transferred from the Family Court, Sonapat, to the Court of competent jurisdiction at Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Sonapat, to the District and Sessions Judge, Rohtak.

For the convenience of parties, learned District and Sessions Judge, Rohtak, shall make an endeavour to assign all the cases pending between the parties, to one Court. Even, the parties are directed to appear before the Court concerned, within a period of one month from today



onwards. The Court concerned shall make an endeavour to adjourn all the cases, for one and the same date.

Taking into consideration the convenience of the respondent also, in view of the medical ailment of his parents, he always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

Pending civil miscellaneous application also stands disposed of.

16.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No