



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

**Sr. No.109****TA-1111-2024 (O&M)****Date of Decision: 20.01.2026****MONIKA****....Applicant****Versus****SANDEEP SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. M.S.Rana, Advocate  
for the applicant.

Mr. Gagandeep Sanwal, Advocate  
for the respondent.

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**ARCHANA PURI, J. (Oral)**

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 (1) (ia) of the Hindu Marriage Act i.e. DMC/572/2023 titled '*Sandeep Singh v/s Monika*', 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 Karnal.

Upon 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 14.05.2021 and one daughter born from the said wedlock, who is about 3 years old, is in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. The applicant was



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turned out of the matrimonial house, along with the minor daughter, who was about two months old, at the relevant time. Both her parents have since expired and on this account, she is living at Karnal with the family of her brother, who was working in the Indian Army. She is not having any source of earning. The distance between the two places is stated to be 135 kms.

On the other hand, counsel for the respondent while making reference to the reply, submits that the conduct of the applicant was not upto mark. In fact, she extended cruelty to the parents of the respondent, who also indulged in black magic.

In view of the aforesaid submissions, it is pertinent to mention that the courts generally lean towards the convenience of wife, while considering the transfer application, relating to the matrimonial dispute, but however, the same is not a thumb rule. Other circumstances, spelt out from the material brought on record, ought to be taken into consideration.

Even though, the respondent had alleged about the conduct of the applicant, not being upto mark, as she extended cruelty to the parents of the respondent and indulged in the black magic, but however, to so substantiate this submission, no material is brought on record. May it be so, then also, it is the version which has to be appraised by the court, where the divorce petition is pending. The most weighing factor in the present case is about the child, who is about 3 years old, to be in the care and custody of the applicant, who herself, has no source of earning. Even, her parents have since died and she is dependent upon her brother.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 (1) (ia) of the Hindu Marriage Act

i.e. DMC/572/2023 titled '*Sandeep Singh v/s Monika*', filed by the



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respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Karnal.

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

20.01.2026  
Sonu Saini

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : Yes/No