



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

**Sr. No.112**

**TA-1080-2025 (O&M)  
Date of Decision: 05.05.2026**

**SHIKHA**

**....Applicant**

**Versus**

**ANSHUL KUMAR AGGARWAL**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Simranpreet Singh, Advocate  
for the applicant.

Respondent-in-person.

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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 of the Hindu Marriage Act i.e. HMA/1031/2024, titled '*Anshul Kumar Aggarwal Vs. Shikha*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Karnal.

In pursuance of notice issued, the respondent made appearance in person and filed reply.

Counsel for the applicant, as well as the respondent, who is making appearance in person, 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 29.06.2012. Three daughters were born from the said wedlock, who are in



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the age group of 4-12 years and they are presently, in the care and custody of the mother-in-law of the applicant. In fact, it is submitted that the respondent is a practising Advocate in Delhi and the daughters are residing at Ambala with his mother.

Also, the counsel submits that the applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/833/2024, which is pending in the Courts at Ambala and the respondent is making appearance in the same. Furthermore, it is submitted that the applicant has also filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, after filing of the transfer application and the same is also pending in the Courts at Ambala. The applicant is not working and as such, has no source of earning. The distance between the two places is stated to be about 90 kms.

On the other hand, the respondent, who is making appearance in person, while making reference to the reply, submits that the present application has been filed to cause harassment to him. It is submitted that three daughters, who are in the age-group of 4-12 years, are in his care and custody. Therefore, it is submitted that it will be a herculean task for him also, to take care of all the growing daughters and pursue the litigation, if so transferred.

Though, during the course of arguments, counsel for the applicant did not make reference to any criminal case pending, but however, perusal of the application reveals that an FIR bearing No.52 of 2023, under Sections 120-B, 313, 323, 367 (2), 506 IPC, was got lodged against the respondent, at Women Police Station, Ambala. On query by this Court, it is



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submitted by the counsel for the applicant that the said FIR is relating to some rape case, relating to which, trial is pending in the Courts at Ambala.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, the Courts generally 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, there are three daughters born from the estranged marriage, who are in the age group of 4-12 years. Though, while making submissions, counsel for the applicant had submitted that the said daughters are in the custody of mother-in-law of the applicant, but however, in the application, it is categorically stated that the said children are living with the respondent. On query by this Court, it has been disclosed by the counsel for the applicant that all the three daughters are now, residing with the mother-in-law of the applicant, on account of change of circumstances. However, on further query, the counsel was unable to state in what manner, there is change of circumstances. In fact, the respondent has alleged about the daughters to be in his custody. This is the most weighing factor, to be considered in the case in hand. Doing singular parenting is an arduous task and watching the prime interest of the children born from the estranged marriage, more particularly, when all of them are female, has to be given a priority.



Though, the respondent may be working as an Advocate, but however, this in itself does not make out a ground to allow the application, more particularly, when he is having the custody of three daughters.

In view of the aforesaid fact situation and while watching the ‘best interest’ of the daughters, there is no justifiable reason coming forth to allow the application.

Hence, the transfer application is hereby dismissed.

Pending civil miscellaneous application also stands disposed of.

05.05.2026  
Himanshu Vats

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No