



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

Sr. No.240**TA-1093-2025****Date of Decision: 16.01.2026****ANCHAL VERMA****....Applicant****Versus****CHIRANJIV KUMAR BARWAL****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. S.S.Verma, Advocate
for the applicant.

Mr. Sandeep Aggarwal, 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-278-2025, titled '*Chiranjiv Kumar Barwal v/s Anchal Verma*', filed by the respondent-husband, pending in the Family Court, Panchkula and she seeks transfer of the same to Family Court (Camp Court), Dabwali, District Sirsa.

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 24.07.2021 and one daughter born from the said wedlock, is in the care and



custody of the respondent. On account of matrimonial dispute, the parties are residing separate. The applicant is working as Assistant Manager, IDBI Bank, Sohana, District SAS Nagar and she seeks transfer of the case to Dabwali, District Sirsa. She has filed complaint under Section 12 of Protection of Women from Domestic Violence Act, which is pending in the courts at Dabwali. The applicant has also got lodged an FIR No.24 dated 29.08.2025 under Sections 115, 316(2), 351(2) and 85 of BNS, which is still under investigation. The distance between the two places is stated to be 265 kms.

On the other hand, counsel for the respondent submits that the applicant has not come to the court with clean hands. In fact, she has not apprised the fact of her residing at Mohali, on account of the job followed by her. Even, she has abandoned the female child, who is few months old and has not bothered to seek the custody of the said child.

Keeping in view the submissions made aforesaid, it is pertinent to mention that even though, 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. Various other circumstances spelt out from the material brought on record, ought to be taken into consideration. There are other factors which are required to be considered, such like, educational qualification of the spouses; their source of earnings; number of children; which spouse is having the custody of the children, convenience of the witnesses etc and number of other cases pending between the parties, so on and so forth. There is no straight jacket



formula to be applied in every application, for seeking transfer. Each case has to be adjudicated, in its own factual background.

In the case in hand, the applicant herself had stated that she is working as Assistant Manager in IDBI Bank, Sohana, District SAS Nagar. On query by the court, no specific answer is given, with regard to residence of the applicant, at present, though, much emphasis has been laid by her about having applied for transfer to Dabwali. The distance between Dabwali and Sohana is such, which is impossible for the applicant to make up and down, to her place of job also. Obviously, the applicant must be staying at Mohali and considering the same also, she had not furnished her address of Mohali, in the memo of parties.

In the light of the aforesaid, it is pertinent to mention that the child born from the wedlock of the parties, who is about 1 year old, is in the care and custody of the respondent. This is the most weighing factor, which goes in favour of the respondent. Though, the applicant has herself stated that the child is in the custody of the respondent, since 05.07.2025, but no application, as such, has been filed to seek the custody of the child.

In the given circumstances, while considering the applicant to be following her job at Sohana, definitely the continuation of the litigation at Panchkula, is more convenient to the applicant, at present, rather than, transferring the same to Dabwali i.e. her parental place. It speaks about the ill intention on the part of the applicant, with the purpose to cause inconvenience to the respondent. Besides the same, very fact of the child, being in the custody of the respondent, is the most weighing factor.



Watching the ‘*best interest*’ of the child and the aforesaid circumstances, no case is made out for allowing the transfer application.

Hence, the same is hereby dismissed.

16.01.2026
Sonu Saini

(ARCHANA PURI)
JUDGE

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