



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

Sr. No.109

**TA-1128-2025 (O&M)
Date of Decision: 07.04.2026**

MONIKA

....Applicant

Versus

SUNIL ARORA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Manoj Kumar Taya, Advocate
for the applicant.

Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/404/2023, titled '*Sunil Arora Vs. Monika*', filed by the respondent-husband, pending in the Family Court Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

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



TA-1128-2025 (O&M)

31.10.2020. There is one son born from the said wedlock, who is about 4½ years old and he is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Also, counsel submits that subsequent to filing of the petition under Section 9 of the Hindu Marriage Act, the applicant had filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Gurugram. In fact, the counsel submits that the respondent is residing at Gurugram and working in a private company. He is not residing in Karnal. Only to cause harassment to the applicant, the petition under Section 9 of the Hindu Marriage Act, has been filed at Karnal, which is at a distance of about 160 kms. from Gurugram. As such, it is submitted that it is difficult for the applicant to defend the litigation, while taking care of the minor child.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the petition under Section 9 of the Hindu Marriage Act, is at the stage of rebuttal evidence. At the time of filing of the transfer application, the same was at the stage of respondent evidence. Furthermore, it is submitted that since the said petition is at the last stage of trial, no useful purpose will be served by acceptance of the transfer application.

In view of the submissions aforesaid, 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 and then, balancing of convenience/inconvenience



TA-1128-2025 (O&M)

of both the parties, ought to be done by the Court. In the case in hand, the most relevant and weighing factor is about the son born from the broken marriage, who is about 4½ years old, to be in the care and custody of the applicant. The applicant, herself, is staying at Gurugram.

On query by this Court, it is stated that the parental place of the applicant is village Gharaunda, District Karnal. On further query about the manner or on what account, the applicant is residing at Gurugram, the counsel was unable to state anything. However, suffice to consider, in the application, the working status of the applicant has not been disclosed.

Not only the aforesaid, also it is pertinent to mention that the petition under Section 9 of the Hindu Marriage Act, which is sought to be transferred, has already reached its culmination stage. On query, it is submitted by the counsel for the applicant that the respondent had already deposed as witness, in the said petition. The entire evidence, at the behest of the applicant (who is respondent before learned Family Court), has already been recorded and now, the case is at the rebuttal stage. The petition in question was filed by the respondent in the year 2023, whereas, the transfer application has been filed on 28.08.2025.

Also, on query, as to why the transfer application has been filed at a later stage, the counsel had no satisfactory answer to make. However, he has stated that an effort for compromise was made, which, as such, is not mentioned in the application.

In view of the aforesaid fact situation, more particularly, considering the ripe status of the case, which is sought to be transferred; no reason being assigned for the applicant to be staying at Gurugram, when her



parental place is at Gharaunda, District Karnal and also considering the fact about the applicant, not disclosing about her working status in the application, this Court does not deem it appropriate to accept the application.

Hence, the transfer application is hereby dismissed.

Pending civil miscellaneous application also stands disposed of.

07.04.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No