



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

Sr. No.107

TA-1130-2025

Date of Decision: 20.02.2026

BHATERI DEVI @ BATERI DEVI

....Applicant

Versus

SAGAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Divij Munjal, Advocate for
Mr. S.P.S. Aulakh, Advocate
for the applicant.

Mr. Mohit Kumar Gujjar, 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/295/2025, titled '*Sagar Vs. Bateri Devi*', filed by the respondent-husband, pending in the Family Court (Camp Court) Guhla, District Kaithal and she seeks transfer of the same to the Court of competent jurisdiction at Karnal.

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 24.12.2023. Unfortunately, matrimonial dispute arose between the parties. On 12.04.2025, when the applicant was pregnant, the respondent had turned her out of the house and since then, she is residing at her parental place. However, it is submitted that during the course of pregnancy, the applicant had a fall from the staircase and as such, suffered miscarriage. This fact, as such, has not been mentioned in the application, as it is submitted that it never came to the notice of the counsel, at the relevant time.

Further, it is submitted that the applicant is not having any source of earning. Even, the applicant has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 i.e. MNT-125/256/2025, as well as the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/704/2025, which are pending in the Courts at Karnal. The respondent is already making appearance in the maintenance petition. The distance between the two places is stated to be about 80 kms.

On the other hand, counsel for the respondent submits that the respondent runs a petty barber shop and as such, his earnings are modest, on which account, it shall be too harsh for him also, to pursue the divorce petition, if the transfer application is accepted.

In view of the submissions aforesaid, it is pertinent to mention that while considering transfer application relating to the matrimonial dispute, the Courts generally lean towards convenience of the wife, more particularly, when the wife is not having any source of earning.



In view of the aforesaid fact situation and taking into consideration the fact of two other litigations, arising from the broken marriage, already pending in the Courts at Karnal, out of which the maintenance petition is pursued by the respondent and also considering the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/295/2025, titled '*Sagar Vs. Bateri Devi*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Guhla, District Kaithal, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Guhla, 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.

20.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No