



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

Sr. No.105+265

**TA-1191-2025 (O&M)
Date of Decision: 14.01.2026**

MANISHA

....Applicant

Versus

PAWAN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Applicant-in-person, along with
Mr. Raman Mahajan, Advocate.

Respondent-in-person, along with
Mr. Ajit Rajput, Advocate.

ARCHANA PURI, J. (Oral)

CM-24953-CII-2025

The present application has been filed at the behest of the respondent, for placing on record the reply.

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

Main case

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/1114/2025, titled '*Pawan Kumar v/s Manisha*', filed by the respondent-husband, pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.



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 23.01.2022 and one daughter was born from the said wedlock on 12.09.2023, who is in the care and custody of the applicant. It is also submitted that the applicant was turned out of the matrimonial house, while she was on the family way. However, the applicant had started working due to constrained circumstances, as she has to take care of the minor daughter. The applicant is presently employed with ALEX Career Institute. The distance between the two places is stated to be 300 kms.

On the other hand, counsel for the respondent while making reference to the reply submits that the applicant is well educated lady and she is also working. She can very well take care of the litigation, which is pending in the courts at Faridabad. Also, it is submitted that in the pending divorce petition at Faridabad, the applicant had personally made appearance before the court on four dates. Even today, she is present before the court and therefore, she can very well take care of the litigation, even, if it remained pending at Faridabad.

While adjudicating on the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration, such like, the educational qualification of the estranged spouses; their source of livelihood; number of children as well as which parent is having the



TA-1191-2025 (O&M)

custody of the children; the distance between the two places; conveniences of the witnesses etc, so on and so forth.

There is no hard and fast rule or any straight jacket formula to decide the transfer applications. Each case has to be appraised in its own factual background. In the case in hand, as submitted by the counsel for the respondent, the applicant is post graduate, but however, this educational qualification in itself, is no ground to decline the transfer application, when other constrained circumstances are faced by the applicant. Also, the applicant is stated to be working in ALEX Career Institute. On query it is submitted that the same is a clerical job. Solely, on account of matrimonial dispute, it cannot be held that the applicant has to put her life to stand still and should not work and remain dependent upon her parental family. The most weighing factor in the present case, is about the two years' old daughter, to be in the care and custody of the applicant. Definitely, the applicant while taking care of the minor daughter, must be facing various challenges in her upbringing.

Considering the aforesaid fact situation, taking into consideration 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/1114/2025, titled '*Pawan Kumar v/s Manisha*', filed by the respondent-husband, stands transferred from the Family Court, Faridabad, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Faridabad to the District and Sessions Judge, Chandigarh.



TA-1191-2025 (O&M)

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

14.01.2026

Sonu Saini

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No