



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

Sr. No.121

**TA-1214-2025 (O&M)
Date of Decision: 22.01.2026**

RITIKA

....Applicant

Versus

SANJAY KUMAR SHARMA

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sunil Agnihotri, Advocate
for the applicant.

Mr. Dinesh Mahajan, 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/111/2022, titled '*Sanjay Kumar Sharma Vs. Ritika*', filed by the respondent-husband, pending in the Family Court, Pathankot and she seeks transfer of the same to the Court of competent jurisdiction at Mukerian, District Hoshiarpur.

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 14.02.2017. One daughter born from the said wedlock, who is about 7 years



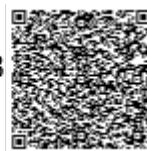
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school at Mukerian. Also, counsel submits that even though, at the time of filing of the transfer application, the petition under Section 125 Cr.P.C., filed at the instance of the applicant, was pending adjudication in Mukerian, but however, the said petition has since been decided *ex parte*, as the respondent, who earlier made appearance through counsel and filed reply, did not pursue the case at belated stage. Further, he did not make payment of the maintenance, despite order passed by learned Family Court.

The applicant is not doing anything and is dependent upon her parental family. The distance between the two places is stated to be about 60 kms. on one side.

On the other hand, counsel for the respondent, while making reference to the reply and the annexures, submits that the divorce petition was filed in the year 2022 and the transfer application has been filed at a belated stage. Though, the examination-in-chief of the respondent, as evident from Annexure R-1, was recorded by learned Family Court at Pathankot, but however, his cross-examination has not been conducted, despite last opportunity, as per the order dated 11.12.2024, which has been annexed with the reply. Also, it is submitted that even though, the respondent was earlier working in Indian Army, but however, on account of the complaint filed, at the instance of the applicant, he is now out of job and is unemployed.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application relating to the matrimonial dispute, various factors are required to be taken into consideration, such like, the educational qualification of the spouses; their source of earning; which



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parent is having the custody of the child (if any); his/her capacity to raise the child; convenience of the witnesses; distance between the two places, so on and so forth. However, there is no straitjacket formula for universal application, while adjudication of the transfer applications. Each case has to be adjudicated in its own factual background.

In the case in hand, the most weighing factor is about 7 years old daughter, who is in the care and custody of the applicant. She is studying in Mukerian, as submitted by the counsel for the applicant. Even, maintenance petition was filed, at the instance of the applicant, in the Courts at Mukerian. In fact, at first instance, the respondent made appearance in the same and filed reply, but however, thereafter, he was proceeded against *ex parte*. Also, the order of maintenance has been passed, but however, on query, it is submitted that the same has not been complied with by the respondent. In these circumstance, even though, there is delay in filing of application, during the pendency of the divorce petition, but however, it matters not much, considering the other compelling circumstances, faced by the applicant.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/111/2022, titled '*Sanjay Kumar Sharma Vs. Ritika*', filed by the respondent-husband, stands transferred from the Family Court, Pathankot, to the Court of competent jurisdiction at Mukerian, District Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Pathankot, to the District and Sessions Judge, Hoshiarpur.



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

22.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No