



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

Sr. No.112 (2 cases)

Date of Decision: 28.01.2026

1. TA-1258-2025

POONAM DEVI

....Applicant

Versus

VIKASH

.....Respondent

2. TA-787-2025

VIKAS ALIAS VIKASH

....Applicant

Versus

POONAM

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

**Present:- Mr. Deepak Kumar Bartia, Advocate
for the applicant (in TA-1258-2025) and
for the respondent (in TA-787-2025).**

**Mr. Ram Kumar Saini, Advocate
for the respondent (in TA-1258-2025) and
for the applicant (in TA-787-2025).**

ARCHANA PURI, J. (Oral)

**These are two applications filed by the rival parties, to seek
transfer of the litigation, pending between them.**



TA-1258-2025 has been filed by the wife, for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1131/2024, titled '*Vikash Vs. Poonam*', filed at the instance of husband, pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Bilaspur, District Yamuna Nagar.

TA-787-2025 has been filed by the husband, for seeking transfer of the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 i.e. MNT/125/79/2024, titled '*Poonam Vs. Vikas*', filed by the wife, pending in the Family Court (Camp Court) Bilaspur, District Yamuna Nagar and he seeks transfer of the same to the Court of competent jurisdiction at Hisar.

In pursuance of the notice issued in both the applications, respective respondent(s) made appearance through counsel and filed replies.

Counsel for the parties heard.

For the convenience of discussion, the parties shall be referred to, as pleaded in TA-787-2025.

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 02.05.2022, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. It is submitted by the counsel for the applicant that divorce petition was filed, at the instance of the applicant, at first instance and only as a counter-blast to the same, the petition under Section 144 of the Bharatiya Nagarik Suraksha



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Sanhita, 2023, was filed by the respondent. Even, the transfer application i.e. TA-1258-2025, was filed by the respondent to seek transfer of the divorce petition, subsequently, when the applicant had filed the transfer application, seeking transfer of the maintenance petition. Further, it is submitted that the applicant is working as 'Technician Grade-III', in the Mechanical Department of Northern Railways Mechanical Workshop, situated at Amritsar. On account of his job constraints, it is difficult for the applicant, to pursue the maintenance petition, pending in the Family Court (Camp Court) Bilaspur, District Yamuna Nagar, which is at a distance of about 330 kms. from Amritsar i.e. his place of posting. However, the distance between Yamuna Nagar and Hisar is about 210 kms.

Given the same, it is submitted that comparative inconvenience of the applicant/husband is more and the respondent/wife can very well pursue the divorce petition, as well as the maintenance petition, if so transferred, in the Courts at Hisar.

On the other hand, counsel for the respondent has refuted the claim of the applicant. Though, it is submitted that there is no child born from the estranged marriage, but however, the applicant herself is not having any source of earning. She has filed the maintenance petition i.e. MNT/125/79/2024, which is pending in the Courts at Bilaspur and the same is at appearance stage. The applicant has yet not made appearance in the same. Besides the same, it is submitted that FIR bearing No.9 dated 10.01.2025, under Sections 115, 351 and 85 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been got lodged by the respondent at Police



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Station Farakpur, District Yamuna Nagar and the same is pending investigation.

In the light of the same and considering the fact of criminal case, which is pending investigation, counsel for the respondent makes a prayer for transfer of the divorce petition from Hisar to Bilaspur, District Yamuna Nagar and also to dismiss the rival transfer application i.e. TA-787-2025, filed at the instance of the husband.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts consider the convenience of wife, while adjudicating on the transfer application relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. There are several factors, which are required to be considered, such like, the source of earning of the estranged couple; if there is any child, which spouse is having the custody of the said child, which though, is not relevant, so far as present case is concerned; the distance between the two places; the financial affluence of the parties and their capacity to pursue the litigation, pending between them; the extent of other litigation, arising from the matrimonial dispute, so on and so forth. However, there is no cast-iron formula, which is universally applicable to all the situations. One differential/distinctive circumstance, may change the decision of the transfer application.

In the case in hand, though, counsel for the husband has laid much emphasis, on the litigation having initiated at the behest of the husband, at first instance, but however, this is no ground to accept the transfer application, filed by the husband. If there is any hesitation, on the



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part of any spouse, to initiate the litigation, the same cannot be said to be a weakness on his/her part. Considering the same, the primary reason, which weighs the mind of this Court, is that the wife is not having any source of earning, whereas, the husband is having a secured job, being government employee in Northern Railways. This factor is of utmost importance. One FIR, registered by the wife, is still pending investigation, in District Yamuna Nagar and the maintenance petition is also pending in the Courts at Yamuna Nagar.

In view of the aforesaid fact situation, more particularly, considering the fact about the respondent/wife not having any source of earning, it is just and expedient to accept the application i.e. TA-1258-2025, filed at the instance of the wife and dismiss the application TA-787-2025, filed by the husband. As such, the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1131/2024, titled '*Vikash Vs. Poonam*', filed by the husband, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Bilaspur, District Yamuna Nagar. The requisite record of the aforesaid case be sent by the Family Court, Hisar, to the District and Sessions Judge, Yamuna Nagar.

Learned District and Sessions Judge, Yamuna Nagar, shall assign the said petition to the Court at Bilaspur, where the maintenance petition between the parties i.e. MNT/125/79/2024, is already pending. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

However, considering the job exigencies of the husband also, he always has an option to file an application for making appearance before the



Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

At this stage, counsel for the wife has brought to the notice of this Court that an amount of Rs.30,000/-, which was ordered to be paid as travelling expenses, vide order dated 29.05.2025 passed in TA-787-2025, have since been deposited by the husband. As such, counsel for the wife has made a prayer for release of the said amount to the wife.

In view of the order dated 29.05.2025, the requisite amount of Rs.30,000/- be released to the wife, in accordance with law.

28.01.2026

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No