

CNR No: PHHC011206072026

2026:PHHC:122925



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

TA-853-2026 (O&M)

Decided on:-01.09.2026

....Applicant.

vs.

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Singal, Advocate for
Mr. Ashwani Gaur, Advocate for the applicant.

Mr. Varun Veer Chauhan, Advocate for the respondent.

HARKESH MANUJA J. (Oral)

1. The applicant-wife, by way of present application, seeks transfer of petition bearing DMC/919/2025, titled as ***“Naresh Kumar vs. Smt. Sonam Rani”*** filed under Section 13 of the Hindu Marriage Act, 1955 (***hereinafter to be referred as “1955 Act”***) at the instance of respondent-husband; from the Court of learned Principal Judge, Family Court, Hisar to the competent Court of Jurisdiction at Sonapat.

2. Briefly stating, the marriage between the applicant and respondent was solemnized on 13.11.2013; out of the wedlock one male child, namely, . was born on 09.02.2015; on account of matrimonial discord between the parties, the above mentioned petition under Section 13 of the 1955 Act, came to be preferred at the instance of respondent-husband. Thereupon, the present application seeking transfer thereof came to be filed by the applicant-wife.

3. Learned counsel for the applicant, *inter alia*, contends that the

applicant-wife alongwith her minor son is residing with her widow mother at Sonapat. Accordingly, a prayer is made for transfer of the above mentioned petition filed at the instance of respondent-husband from Family Court, Hisar to Family Court, Sonapat.

4. On the other hand, learned counsel appearing on behalf of the respondent vehemently opposes the prayer made in the transfer application while submitting that the respondent is willing to bear the travelling expenses which the applicant may have to incur for the hearings on which her presence is required before the learned trial Court. In support, he places reliance of judgment of Hon'ble Supreme Court in case "**Preeti Sharma vs. Manjit Sharma**" reported as **2005(11) SCC 535** as well as of this Court in case titled "**Smt. Akvinder Kaur vs. Sh. Gurpreet Singh**", reported as **2020(2) RCR (Civil)392**.

5. I have heard learned counsel for the parties and gone through the paper-book.

6. In the present case, admittedly, the applicant-wife filed a petition bearing No. MNT/180/2023 under Section 125 Cr.P.C., which came to be disposed of by the learned Principal Judge, Family Court, Sonapat, however, the said order has been challenged by both sides before this Hon'ble Court, and the same are pending adjudication.

7. As per the averments made in the present transfer application, the applicant-wife has no independent source of income and is solely dependent upon the mercy of her widow mother and younger brother. Besides it, the applicant is taking care of her minor son while staying at Sonapat. hus, the applicant is required to manage not only her own affairs but also the day-to-day needs of her minor child.

8. Further reliance can be placed upon the judgments in “**Sumita Singh vs Kumar Sanjay**”, 2002 SC 396 and “**Rajani Kishor Pardeshivs Kishor Babulal Pardeshi**”, 2005(12) SCC 237, wherein the Hon’ble Supreme Court has observed that “while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.”

9. The judgments relied upon by learned counsel for the respondent do not advance his case. In **Preeti Sharma (supra)**, the Hon’ble Supreme Court, on the facts of that case, found that no substantial ground for transfer was made out and, therefore, instead directed the husband to bear the travel and stay expenses of the wife and her companion for every hearing on which her presence was required. The said decision, therefore, cannot be read as laying down an inflexible rule that an offer by the husband to bear travelling expenses would, in every case, defeat a wife's prayer for transfer. The question of transfer has to be considered on the facts and circumstances of each case.

10. Similarly, the judgment in **Smt. Akvinder Kaur (supra)** is distinguishable on its own facts. In the present case, apart from the applicant being a female litigant, she has pleaded absence of any independent source of income, her residence with her widow mother at Sonapat and her responsibility of taking care of the minor child. Further, proceedings under Section 125 Cr.P.C. arising from the matrimonial dispute between the parties are also pending before this Court, pursuant to the order passed by

the Family Court, Sonapat. Thus, the facts of the present case cannot be equated with a case where the inconvenience of the wife can adequately be addressed merely by directing payment of travelling expenses.

11. The approach adopted by the Hon'ble Supreme Court in "**Anindita Das Vs. Srijit Das**", reported as **(2006) 9 SCC 197**, relied upon in several subsequent transfer matters, also does not warrant a different conclusion. In the said case, the Supreme Court declined transfer in view of the peculiar facts, including availability of grandparents to look after the child and the respondent's willingness to bear the travelling and stay expenses of the wife and her companion. In the present case, on the contrary, the applicant herself is residing with her widow mother and is stated to be responsible for the care of her minor son, while having no independent source of income. Thus, the factual foundation which weighed with the Supreme Court in **Anindita Das (supra)** is absent in the present case.

12. In the totality of the facts and circumstances noticed hereinabove, and keeping in view the settled principle that the convenience of the wife deserves due weightage in matrimonial transfer matters, this Court is of the considered view that the applicant has made out sufficient grounds for transfer of the matrimonial proceedings.

13. Considering the aforesaid facts and circumstances as well as keeping in view of the law laid down in the aforementioned judgment, the transfer application is allowed and the petition bearing *DMC-919-2025*, titled "*Naresh Kumar vs Smt. Sonam Rani*" under Section 13 of the 1955 Act filed by the respondent-husband, stands transferred from the Court of Id. Principal Judge, Family Court, Hisar to the Family Court at Sonapat. The requisite record of the aforesaid case be sent by the learned Court, Hisar to

the Court concerned.

14. The parties are directed to appear before the 1d. Court of Sonapat on 18.09.2026. The Court concerned shall ensure that all the cases be listed on the same date.

15. Pending miscellaneous application(s), if any, shall also stand disposed off.

01.09.2026
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(HARKESH MANUJA)
JUDGE

(i) Whether speaking/reasoned:	Yes/No	(ii) Whether reportable:	Yes/ No
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