



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

228

TA-120-2026

Date of Decision: 14.05.2026

Kajal

....Petitioner

Versus

Rajat Chawla

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Hitesh Chopra, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

1. By way of filing the present petition, the petitioner-wife is seeking transfer of petition filed by the respondent-husband under Section 11 of the Hindu Marriage Act, 1955 (for short-‘the Act’) for decree of divorce bearing No. HMA/1263/2025 (Annexure P-1) titled as ‘Rajat Chawla vs. Kajal’, pending adjudication before the learned Family Court Sirsa to a Court of competent jurisdiction at Gurdaspur.

2. Though ordinary notice issued to the respondent has been received back duly served. However, none has put in appearance on behalf of the respondent-husband. Accordingly, this petition is being decided in his absence.

3. Learned counsel for the petitioner, *inter alia*, submits that :-

- i) The parties had love marriage on 18.11.2023 according to Hindu Rites and customs.
- ii) No child was born out of the said wedlock.
- iii) Due to matrimonial discord the parties are residing separately since 29.04.2024.
- iv) The distance between place of residence of the petitioner-wife i.e. Gurdaspur and the place of



proceedings filed by the respondent-husband, pending before the learned Family Court, Sirsa, is about 340 kilometers on one side.

- v) The petitioner is jobless having no source of income and is fully dependent upon her parents.
- vi) That the petitioner has filed a petition under the provisions of the Protection of Women from Domestic Violence Act, 2005, (hereinafter referred to as 'the DV Act') before the Courts at Gurdaspur against the respondent.

4. No other argument has been made on behalf of the petitioner.

I have heard learned counsel for the petitioner and carefully gone through the case file. I find no merit in the submissions advanced on behalf of the petitioner.

5. During the course of arguments, it is submitted by learned counsel for the petitioner that the petition bearing No. HMA/1263/2025 (Annexure P-1) pending adjudication before the learned Family Court Sirsa, deserves to be transferred to a Court of competent jurisdiction at Sessions Division, Gurdaspur, as the petitioner is unable to travel the distance of nearly 340 kms from Gurdaspur to Sirsa, as, it takes around 6½ hours to reach by bus on one side. However, on a Court query as to whether the petitioner is physically disabled, learned counsel has replied that she is not. Further, it is submitted by learned counsel for the petitioner that petitioner is jobless and fully dependent upon her parents. On another Court query as to what is the qualification of the petitioner, learned counsel for the petitioner has **no reply**. It is also submitted that the petitioner had filed a petition under the provisions of the DV Act, however, no details thereof are forthcoming either on record or from learned counsel or the petitioner.



6. In view of the facts as enumerated above, I am of the view that no extenuating circumstances have been brought to light by the petitioner, on the basis of which it is shown that she is not in a position to travel to Sirsa and that too not daily but only on the dates of hearing. This Court is well aware of the preponderance of law in cases of transfer emanating from matrimonial disputes is in favour of the wife. However, in certain similar cases as the present one, the Hon'ble Supreme Court, as well as this Court have refused relief to the wife. One such case which may be referred to is: **(2006) 9 SCC 197 'Anindita Das Vs. SrijitDas'** wherein Hon'ble Supreme Court under similar circumstances dismissed the wife's application seeking transfer of petition filed by the husband. Reference in this regard may also be made to two cases of this Court where, in similar circumstances this Court had dismissed transfer applications filed on behalf of the wife. These are: **TA no. 126 of 2018 Smt. Akhwinder Kaur Vs. Sh. Gurpreet Singh;** and **TA No. 299 of 2019 Nisha alias Manisha vs. Amarveer Yadav.**

7. Accordingly, in view of the facts and circumstances of the present case as noted above, as also the precedents of Case law as above, finding no merit in this petition, the same is hereby **dismissed**.

8. Pending application(s), if any, shall also stand disposed of.

14.05.2026
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**