



TA-191-2025 (O & M)

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

135-I

Transfer Application No.191 of 2025 (O & M)
Date of decision :-14.05.2026

Kanika Sharma

.....Applicant

Versus

Shri Danish Kumar and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Naveen Batra, Advocate
for the applicant.

Respondent No.1-Danish Kumar in person.

NIDHI GUPTA J. (Oral)

1. Prayer in this petition filed by applicant-wife is for transfer of the petition bearing No.HMA/1751 filed by respondent-husband under Section 13 of the Hindu Marriage Act,1955 (for short 'the Act') titled "Shri Danish Kumar vs. Kanika Sharma and another" pending in the Court of Additional Principal Judge, Family Court, Amritsar to a Court of competent jurisdiction at Hoshiarpur.

2. Learned counsel for the applicant has contended :-

- i) that the parties were married on 11.9.2021 according to Hindu rites and rituals.
- ii) No child was born out of the said wedlock.



- iii) that the applicant-wife is living separately from the respondent-husband and living with her parents at Hoshiarpur.
- iv) that the applicant is unemployed, having no source of income and totally dependent upon her parents and the respondent-husband, is not paying anything to her towards maintenance.
- v) The proceedings arising out of FIR No.112 dated 22.7.2022 under Sections 406, 498 and 509 IPC, registered at Police Station Sadar, Hoshiarpur; as well as petition under Section 125 Cr.P.C., filed by the applicant-wife, are pending in the Court having competent jurisdiction at Hoshiarpur.
- v) That the distance between place of residence of the applicant-wife i.e. Hoshiarpur and the place of proceedings under Section 13 of the Act, filed by the respondent-husband, pending before the Addl. Principal Judge, Family Court, Amritsar, is about 150 kilometers one side.
- vi) that there is no proficient male member in the family of the applicant, who can accompany her to visit and attend the Court of proceedings at Faridabad because the parents are old aged persons having age related ailments.

3. It is inter alia on these grounds that applicant prays for transfer of the case, as detailed in para 1 above.

4. Per contra, respondent No.1, who is present in person, has opposed the present petition and submits that the allegations levelled by the applicant-wife are false and concocted. He submits that the matrimonial relationship between the parties lasted only for a brief period of about five months and that the disputes arose on account of the conduct and behaviour of the applicant herself.



5. Respondent No.1 further submits that the applicant-wife is professionally engaged as a fashion model and is financially independent with sufficient earnings of her own. It is contended that the present transfer petition has been filed only to harass the respondent and to exert pressure upon him, particularly because the brother of the applicant-wife has been practicing as an Advocate at Hoshiarpur for the last about 20-25 years. Thus, prejudice may be caused to respondent No.1.

6. Insofar as the criminal proceedings initiated by the applicant-wife are concerned, respondent No.1 has referred to order dated 06.03.2025 passed by the Hon'ble Supreme Court whereby further proceedings in the FIR registered under Sections 406 and 498-A IPC have been stayed. Though learned counsel for the applicant seeks to distinguish the said order by contending that the proceedings were stayed only for exploring the possibility of settlement and not on merits, yet the fact remains that further proceedings in the criminal case are presently stayed.

7. Respondent No.1 has further submitted that the applicant-wife is admittedly travelling to various places in connection with her professional assignments and modelling work and, therefore, it cannot be said that she is unable to undertake travel to Amritsar. It is argued that the distance between Hoshiarpur and Amritsar is not such as would render it impossible or excessively burdensome for the applicant-wife to attend the proceedings, particularly when the appearance is required only on the dates fixed by the Court and not on a daily basis.



8. I have heard learned counsel for the parties and have carefully considered the rival submissions.

9. It is true that in matrimonial disputes, ordinarily the convenience of the wife is given due weightage while considering transfer petitions. However, such principle cannot be applied in a mechanical manner ignoring the facts and circumstances of each individual case. The Court is required to strike a balance between the convenience of both the parties and to examine whether genuine hardship has been made out warranting exercise of transfer jurisdiction.

10. In the present case, admittedly no child has been born out of the wedlock and the applicant-wife is not burdened with responsibilities relating to care or upbringing of a minor child. Further, except making a general assertion regarding inconvenience, no material has been placed on record to establish that the applicant-wife is physically incapable or otherwise genuinely unable to travel to Amritsar for attending the proceedings.

Moreover, learned counsel for the applicant has not denied that proceedings in FIR have been stayed by the Hon'ble Supreme Court; or that brother of the applicant is a practicing Advocate at Hoshiarpur since past 20-25 years.

11. This Court also cannot lose sight of the fact that the distance between Hoshiarpur and Amritsar is approximately 150 kilometers, which, as rightly contended by respondent No.1, can be covered within about two to three hours. The attendance before the



Family Court is also required only on the dates fixed in the matter and not on a day-to-day basis.

12. Moreover, from the material placed on record, including photographs annexed by respondent No.1, the applicant-wife appears to be professionally active. Prima facie, therefore, the plea that she is incapable of travelling to Amritsar does not inspire confidence.

13. This Court is conscious of the settled principle that in transfer petitions arising out of matrimonial disputes, convenience of the wife ordinarily deserves preference. However, there are exceptions to the said rule and where the facts of the case do not disclose any substantial hardship, transfer need not be granted merely as a matter of course.

14. 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. Srijit Das'** 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.**



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15. In view of the overall facts and circumstances of the present case, this Court is of the considered opinion that no sufficient ground has been made out for transfer of the petition from Amritsar to Hoshiarpur.

16. Consequently, finding no merit in the present transfer petition, the same is hereby dismissed.

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

May 14, 2026

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No