



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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TA-436-2026

Date of Decision: 14.05.2026

Tannu

....Petitioner

Versus

Kamal

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. LR Sharma, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

1. Prayer in this petition filed by the petitioner-wife is for transfer of the petition filed by respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') bearing No. DMC/145/2026 dated 25.02.2026 (Annexure P-1) titled as 'Kamal vs. Tannu' (Annexure P-1) pending in the Court of Principal Judge, Family Court, Sonapat to a Court of competent jurisdiction at Panipat.

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

- i) The parties were married on 27.11.2024 according to Hindu Rites and customs.
- ii) No child was born out of the said wedlock.
- iii) Due to matrimonial discord the parties are now residing separately.
- iv) The distance between place of residence of the petitioner-wife i.e. Panipat and the place of proceedings filed by the respondent-husband, pending before the Principal Judge, Family Court,



Sonipat, is about 52 kilometers on one side. It is stated that petitioner '*is not able to travel*'

- v) The petitioner has no source of income and is fully dependent upon her parents. On a Court query, learned counsel for the petitioner is unable to inform the Court about the educational qualification of the petitioner.

3. It is accordingly, prayed that the present petition may be allowed and petition bearing No. DMC/145/2026 dated 25.02.2026 (Annexure P-1) be transferred from the learned Family Court, Sonipat to a Court of competent jurisdiction at Panipat.

4. Mr. Manoj Pundir, Advocate, has put in appearance on behalf of the respondent-husband and submits Vakalatnama in Court which is taken on record. Learned counsel for the respondent vehemently opposes the submissions advanced by learned counsel for the petitioner and submits that the distance between Sonipat and Panipat is only 52 kilometers. Moreover, the marriage has subsisted only for a period of 02 months. Learned counsel submits that during this period the petitioner had threatened the mother of the respondent-husband with dire consequences; and to file false case against the respondent-husband and his family members. As such, learned counsel for the respondent prays for dismissal of the present petition.

5. No other argument has been made on behalf of the parties. I have heard learned counsel for the parties and carefully gone through the



case file. I find merit in the submissions advanced on behalf of the respondent.

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 Sonipat 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
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No