



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

149

TA-631-2025

Date of Decision: 13.05.2026

Sonam Kumari Yadav

....Petitioner

Versus

Lalit

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

Mr. Parmod Chauhan, Advocate for the respondent.

NIDHI GUPTA, J. (ORAL)

1. Prayer in this petition filed by 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') titled 'Lalit vs. Sonam Kumari Yadav' pending in the Court of Principal Judge, Family Court, Yamuna Nagar at Jagadhri to a Court of competent jurisdiction at Rewari.

2. Learned counsel for the petitioner has contended :-

- i) that the parties were married on 07.12.2022 according to Hindu Rites and customs.
- ii) that no child was born out of the said wedlock.
- iii) that due to matrimonial discord the parties are residing separately since 01.07.2023.
- iv) that the petitioner has no source of income to maintain her livelihood.



v) that the distance between place of residence of the petitioner-wife i.e. Rewari and the place of proceedings (Annexure P-1) filed by the respondent-husband, pending before the Principal Judge, Family Court, Yamuna Nagar at Jagadhari, is about 250 kilometers on one side.

vii) that there are 02 cases filed by the petitioner-wife which are pending adjudication before the District Courts at Rewari which are as under:-

- (a) Petition under Section 125 Cr.P.C. bearing No. MNT/125/1600/2025 pending before the learned Family Court at Rewari; and
- (b) Petition under the provisions of the Protection of Women from Domestic Violence Act bearing No. 4283 of 2025 pending before the learned Judicial Magistrate Ist Class, Rewari.

3. It is, *inter alia*, on these grounds that petitioner prays for transfer of the case, as detailed in para 2 above.

4. *Per Contra*, learned counsel appearing for the respondent vehemently opposes the submissions advanced by learned counsel for the petitioner. As regards, the contention of learned counsel for the petitioner that she is un-employed having no source of income, learned counsel for the respondent submits that petitioner is a Graduate and able bodied and has no physical infirmity. As such she is capable of earning livelihood for herself. Moreover, the petitioner is permanent resident of Rajasthan and is presently residing at Zirakpur with the real brother-in-law (*Jija*) of the respondent-husband.



5. The aforesaid contention of learned counsel for the respondent has been strongly refuted by learned counsel for the petitioner. Learned counsel for the petitioner submits that in the petition under Section 125 Cr.P.C. bearing No. MNT/125/1600/2025 pending before the learned Family Court at Rewari; and petition under the provisions of the Protection of Women from Domestic Violence Act bearing No. 4283 of 2025 pending before the learned Judicial Magistrate Ist Class, Rewari filed by the petitioner, the respondent-husband so far has not put in appearance. Moreover, there is threat to the life of the petitioner at the hands of respondent-husband. In this regard an FIR No. 25 dated 23.01.2024 under Sections 498-A and 406 IPC was registered by the petitioner at Police Station Shahzahanpur, District Behror against the respondent and his family members.

6. 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.

7. 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 Jagadhri and that too not daily but only on the date 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.**

8. 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**.

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

13.05.2026
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No