



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

TA-1671-2025

Date of Decision: 14.05.2026

Alka

....Petitioner

Versus

Mukesh

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vikas Bairagi, 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 respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short-‘the Act’) bearing No. DMC/165/2025 titled as ‘Mukesh vs. Alka’ pending before the learned Family Court, Rohtak to a Court of competent jurisdiction at Sonapat.

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

- i) The parties were married on 04.12.2019 according to Hindu Rites and Ceremonies.
- ii) One son was born out of the said wedlock on 18.01.2022 who is currently in the care and custody of respondent-husband.
- iii) Due to matrimonial discord the parties are now residing separately.
- iv) The petitioner has no independent source of income. She is presently residing with her parents. On the other hand respondent is working with a private firm.



- v) There is one case filed by the petitioner for maintenance bearing No. MNT/169/2025 is pending adjudication before the Courts at Rohtak in which respondent is not putting in appearance.
- vi) The distance between place of residence of the petitioner-wife i.e. Rohtak and the place of proceedings filed by the respondent-husband, pending at Sonapat is about 52 kilometers on one side. As such, it is very difficult for the petitioner to undertake frequent travel for the case from Rohtak to Sonapat.

3. It is accordingly, prayed that the present petition may be allowed and the bearing No. DMC/165/2025 titled as 'Mukesh vs. Alka' be transferred from the learned Family Court, Sonapat to a Court of competent jurisdiction at Rohtak.

4. Mr. Kisnshvk Nanda, Legal Aid Counsel 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 respondent is already taking care of the minor child. The respondent is working with a private firm. Therefore, as the respondent has many additional responsibilities of earning and providing for his family and ensuring proper upbringing of his minor child, it is accordingly prayed that the present petition be dismissed.



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. From the facts noted above, it is clear that unlike the respondent, the petitioner has no onerous responsibility and is living with her parents who take care of her. No cogent reason has been given by the petitioner as to why she is unable to travel to Sonapat to attend to the proceedings along with her father. On the other hand, the respondent is single-handedly, taking care of the minor child born out of the wedlock of the parties. Not only does the respondent have to provide for the material needs of minor son, but is also responsible for his mental and physical welfare. In this situation, no equitable ground is made out to transfer the case from Sonapat to Rohtak. Mere pendency of other case at Rohtak is not sufficient reason to transfer.

7. 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.

14.05.2026
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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No