



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

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Transfer Application No.1230 of 2025 (O & M)

Date of decision :-15.05.2026**Shaifaly Sharma****.....Applicant****Versus****Deepak Sharma****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Rashi Verma, Advocate for
Mr. Manu Loona, Advocate
for the applicant.

Mr. Vivek Baghla, Advocate
for the respondent.

NIDHI GUPTA J. (Oral)

1. Prayer in this petition filed by applicant-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/725/2025 titled as "Deepak Sharma vs. Shaifaly Sharma" (Annexure P-4) pending in the Court of Additional Principal Judge, Family Court, Patiala to a Court of competent jurisdiction at Fazilka.

2. Learned counsel for the applicant submits :-

- i) That the parties were married on 05.11.2019 according to Hindu rites and rituals.
- ii) That a female child was born out of this wedlock on 31.10.2023, who is in the care and custody of the applicant.



- iii) That the applicant-wife is living separately from the respondent-husband since 21.6.2023 and living alongwith her minor child with her parents at their mercy at Fazilka.
- iv) That the applicant is unemployed, having no source of income and totally dependent upon her old aged parents and the respondent-husband, who is working in an IT company at Noida and earning Rs.4,00,000/- per month, is not paying anything to her towards maintenance.
- v) That the proceedings arising out of petitions :-
 - (a) under the Protection of Women from Domestic Violence Act, 2005
 - (b) Section 9 of the Hindu Marriage Act for restitution of conjugal rights; and
 - (c) Application under Section 144 of BNSS for grant of maintenancefiled by the applicant-wife, are pending in the Courts having competent jurisdiction at Fazilka.
- vi) That the distance between place of residence of the applicant-wife i.e. Fazilka and the place of proceedings under Section 13 of the Act, filed by the respondent-husband, pending before the Addl. Principal Judge, Family Court, Patiala, is about 251 kilometers on one side.
- vii) That there is no proficient male member in the family of applicant who can accompany her to the Court of proceedings at Patiala.

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

4. Learned counsel for the respondent is not in a position to controvert the above said facts, however, oppose the prayer made by learned counsel for the applicant regarding transfer of the proceedings under Section 13 of the Act, filed by the respondent-husband to the Court of competent jurisdiction at Patiala on the ground that the respondent has also to take care of his parents at Patiala and just to



harass the respondent-husband, the applicant has filed the present application for transfer of the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act.

5. I have heard learned counsel for the parties and perused the case file.

6. The legal position in such like cases as the present one, is well established. In this regard, judgment of the Hon'ble Supreme Court rendered in **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha," 2022 Live Law (SC) 627**, is most relevant wherein the Hon'ble Supreme Court has held as under:-

“9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

7. Further reliance can be placed upon the judgments in **“Sumita Singh vs Kumar Sanjay”, 2002 SC 396** and **“Rajani Kishor**



Pardeshivs Kishor Babulal Pardeshi”, 2005(12) SCC 237, wherein the Hon’ble Supreme Court has observed that “while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.”

8. Even this Court in number of cases has followed the aforesaid principle of law. Accordingly, it is well settled that while considering the transfer of a matrimonial dispute/case, at the instance of the wife, the Court is to consider the family condition of the wife, the custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important the convenience of the wife i.e. she cannot travel alone without assistance of a male member of her family, connectivity of the place to and fro from her place of residence as well as bearing of the litigation charges and travelling expenses.

9. In view of the facts mentioned above and the judgments i.e. **Sumita Singh’s** case (supra), **Rajani Kishor Pardeshi’s** case (supra) and **N.C.V. Aishwarya’s** case (supra) passed by the Hon’ble Supreme Court, this Court deems it appropriate to allow the present petition, subject to the following conditions:-

- a) The petition filed by respondent husband under Sections 13 of Hindu Marriage Act, 1955, bearing No. DMC/725/2025 titled as ‘Deepak Sharma vs. Shaifaly Sharma’, pending in the Court of Addl.



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Principal Judge, Family Court, Patiala is transferred to a Court of competent jurisdiction at Fazilka.

- b) The Id. District Judge, Patiala is directed to transfer complete record pertaining to the aforesaid case to District Judge, Fazilka.
- c) The parties are directed to appear before the District & Sessions Judge, Fazilka on 16.6.2026.
- d) The District Judge, Fazilka will assign the said petition to the Court of competent jurisdiction.

8. The concerned Court at Fazilka will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

9. The Court concerned, where the litigation pending between the parties, will accommodate them with one date in one calendar month.

11. I am supported by the decisions rendered by a Co-ordinate Bench of this Court in **TA No. 1315/2022, Rohini Arora v Nitin Talwar; TA No. 1322 of 2022, Jaswinder Kaur v Gurvinderjeet Singh; and TA No. 1323 of 2022, Usha Rani v Karmajit Singh.**

Disposed of.

Pending application(s), if any, stands disposed of.

May 15, 2026
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No