



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

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Transfer Application No.1428 of 2025 (O & M)

Date of decision :-13.05.2026

Vijay Lakshmi

.....Applicant

Versus

Raman Kumar Sharma

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Kuljit Singh, Advocate for
Mr. Pardeep K. Bajaj, Advocate
for the applicant.

None for the respondent despite service.

NIDHI GUPTA J. (Oral)

1. By way of present Transfer Application, the applicant is seeking transfer of Petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (hereinafter called 'the Act') for dissolution of marriage, bearing case No.DMC/439/2024 dated 23.8.2024 titled as "Raman Kumar Sharma vs. Vijay Lakshmi" (Annexure P-1) from the Court of learned Principal Judge, Family Court, Ferozepur to the Court of competent jurisdiction at Faridkot.

2. Learned counsel for the applicant has contended :-

- i) that the parties were married on 23.4.2014 according to Hindu rites and rituals.
- ii) that one female (D.O.B. 01.3.2015) and one male child (D.O.B. 10.6.2020) were born out of this wedlock, who



have been in the care and custody of the respondent-husband at Ferozepur.

- iii) that the applicant-wife is living separately from the respondent-husband since 02.7.2024 and living with her old aged mother at her mercy at Kotkapura, District Faridkot. Father of the applicant used to live abroad.
- iv) that the petitioner is unemployed, having no source of income and totally dependent upon her mother and the respondent-husband, is not paying anything to her towards maintenance.
- v) The proceedings arising out of petition under Section 12 of the D.V. Act; as well as FIR No.12 dated 24.1.2025., filed by the applicant-wife, are pending in the Department/Court having competent jurisdiction at Faridkot.
- v) That the distance between place of residence of the applicant-wife i.e. Faridkot and the place of proceedings under Section 13 of the Act, filed by the respondent-husband, pending before the Principal Judge, Family Court, Ferozepur, is about 36 kilometers one side.
- vi) that there is no proficient male member in the family of the petitioner, who can accompany her to visit and attend the Court of proceedings at Ferozepur because mother of the applicant is old aged person.

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

4. Despite service, there is no representation on behalf of respondent-husband.

5. I have heard learned counsel for the applicant.

6. In view of the facts as enumerated above, I am of the view that unlike the respondent, the applicant-wife is admittedly



unemployed, having no responsibilities as it is the respondent who is working and simultaneously single-handedly looking after his both children and fulfilling all his duties in that respect i.e. the respondent is single-handedly responsible for the mental and physical welfare of both the children as also has to ensure that all basic amenities are provided to them as also their career and education. In contrast, 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 the relatively short distance of about 36 kilometers as admittedly, it is hardly a one-hour journey between Faridkot to Ferozepur, and that too, not daily but only on the date of hearing.

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. 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.**



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**.

Pending application(s) if any stand disposed of.

May 13, 2026

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No