



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

Sr. No.201

TA-594-2024

Date of Decision: 13.12.2024

AMITA BANSAL

....Applicant

Versus

SAHIL GUPTA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. B.S. Chahal, Advocate
for the applicant
(through video conferencing).

Mr. Abhinav Kalia, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/982/2023, titled '*Sahil Gupta Vs. Amita Bansal*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Kharar, District SAS Nagar.

In pursuance of the notice issued, respondent made appearance through counsel. The counsel for the respondent submits that the respondent has no objection, if the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act, is transferred from Ambala to Kharar.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 25.06.2020. One son was



born from the said wedlock, who is about 2 years old and is in the care and custody of the applicant. The applicant is a housewife and as such, has no independent source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 80 kilometres from the place of her residence, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid fact situation, considering the submission made by the counsel for the respondent about the respondent having no objection in case the petition under Section 9 of the Hindu Marriage Act is transferred and also considering the position of law about preference to be given to the convenience of wife in the transfer applications relating to the matrimonial dispute, the application is hereby accepted and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/982/2023, titled '*Sahil Gupta Vs. Amita Bansal*', filed by the respondent-husband, stands transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Kharar, District SAS Nagar. The requisite record of the aforesaid case be sent by the Family Court, Ambala, to the District and Sessions Judge, SAS Nagar.

Learned District and Sessions Judge, SAS Nagar, shall assign the said petition to the Family Court (Camp Court) Kharar. Even, the parties are directed to appear before the Family Court (Camp Court) Kharar, within a period of one month from today onwards.

13.12.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No