



TA-99-2025 (O&M)

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

Sr. No.114

TA-99-2025 (O&M)

Date of Decision: 03.12.2025

DR. REETIKA

....Applicant

Versus**BHUPINDER SINGH**

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Dr. Sunil Mallan, Advocate
for the applicant.

Mr. L.S. Virk, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)**CM-17668-CII-2025; CM-17929-CII-2025; CM-4130-CII-2025 and****CM-10398-CII-2025**

Keeping in view the averments made in the applications, same are allowed and the relevant documents, as detailed in these applications are taken on record.

Main case

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/68/2024, titled '*Bhupinder Singh Vs. Reetika*', as well as the petition under Sections 7 and 8 read with Section 25 of the Guardians and Wards Act i.e. GW/45/2024, titled '*Bhupinder Singh Vs. Reetika*', both filed by the respondent-husband, pending in the Family Court, Fatehgarh Sahib and she



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seeks transfer of the same to the Court of competent jurisdiction at Kharar, District SAS Nagar.

In pursuance of notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 03.05.2015. One son born from the said wedlock, who is about 9 years old, is in the care and custody of the applicant. Even though, the applicant has not specifically mentioned about her working status in the application, but however, in clause (d) of paragraph No.2, she had stated that she is running her own clinic in Kharar. On further query by this Court, it is disclosed by the counsel for the applicant that the applicant is working as a 'Homeopathic Practitioner'. The counsel has pointed out several cases, pending between the parties, as detailed in paragraph No.3 of the application. Further, it is submitted that the cases mentioned at clause 'a' to 'e' have already been filed. Even, the maintenance petition i.e. MNT-125/97/2024, as well as the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/113/2024, filed at the instance of the applicant, are already pending in the Courts at Kharar and the respondent is making appearance in the same. Besides the same, the cases mentioned at clause 'h' and 'i' have also been filed.

In the given circumstances, it is submitted that when the applicant is taking care of the minor son, it is difficult for her to defend the litigation, more particularly, while running her clinic. Moreover, it is



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submitted that the respondent is also a 'Homeopathic Practitioner' and is posted at MLA Hostel, Chandigarh.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant is well-educated professional lady and therefore, it shall not be difficult for her to commute a distance of about 30 kms., to defend the litigation, which is pending in the Courts at Fatehgarh Sahib. Moreover, counsel for the respondent has submitted that the respondent has already been transferred from Chandigarh and now, he is posted at Chamkaur Sahib. Considering his job exigencies, it shall be difficult for him also, to pursue the litigation, if so transferred to Kharar.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while adjudicating on the transfer application relating to the matrimonial dispute, though, it may not be a thumb rule. In the case in hand, though the applicant is also a well-qualified professional and she is running her clinic, as asserted, which fact is not disputed by the counsel for the applicant, but however, other circumstances spelt out ought to be taken into consideration, as one distinctive circumstance, may change the fate of the transfer application. In the present case, the most relevant weighing factor is about the child born from the estranged marriage, to be in the care and custody of the applicant. Besides the same, there are other cases, arising from this matrimonial dispute, which are already pending in the Courts at Kharar and the respondent is pursuing the same.



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In view of the aforesaid fact situation, considering the fact of other litigation already pending in the Courts at Kharar and also balancing the convenience/inconvenience of both the parties, more particularly, taking into consideration the 'best interest' of the child, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/68/2024, titled '*Bhupinder Singh Vs. Reetika*', as well as the petition under Sections 7 and 8 read with Section 25 of the Guardians and Wards Act i.e. GW/45/2024, titled '*Bhupinder Singh Vs. Reetika*', both filed by the respondent-husband, stand transferred from the Family Court, Fatehgarh Sahib, to the Court of competent jurisdiction at Kharar, District SAS Nagar. The requisite records of the aforesaid cases be sent by the Court concerned at Fatehgarh Sahib, to the District and Sessions Judge, SAS Nagar.

Learned District and Sessions Judge, SAS Nagar, shall assign the said cases 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.

Pending civil miscellaneous application also stands disposed of.

03.12.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No