

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

Sr. No.202

TA-105-2025

Date of Decision: 30.10.2025

NANCY NAYYAR

....Applicant

Versus

SACHIN NAYYAR AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ramesh Sharma, Advocate
for the applicant.

Ms. Manu Loona, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

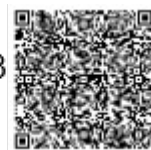
The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/13091/2024, titled '*Sachin Nayyar Vs. Nancy Nayyar*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Kapurthala.

In pursuance of notice issued, respondent No.1, who is the sole contesting 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 20.01.2010. Two children born from the said wedlock, who are presently about 14 and 12 years of age, are in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate.

Also, it is submitted that earlier, the applicant was running a boutique and all

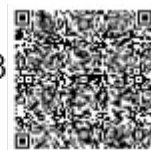


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her earnings were snatched by respondent No.1, on which account, she had stopped running the said boutique. At present, she is not having any source of earning. Even, she has filed the petition for seeking maintenance, which is pending in the Courts at Kapurthala and the respondent is making appearance in the same. In the given circumstances, it is submitted that while taking care of the minor children, it is difficult for the applicant to defend the divorce petition, pending in the Courts at Ludhiana.

On the other hand, counsel for respondent No.1, while making reference to the reply filed, resists the transfer application. In fact, it is submitted that the applicant is having an illicit relationship with one Gurpreet Singh @ Tony, to whom respondent No.1 had parted about Rs.62,00,000/-, on the pretext of arranging VISA/PR, for the entire family. In the given circumstances, it is submitted that the present transfer application has been filed, only to cause harassment to respondent No.1. Furthermore, it is submitted that on account of relationship with Gurpreet Singh @ Tony, who is an influential person, the respondent also has a threat to his life, at his instance, if the divorce petition stands transferred to Kapurthala.

In view of the submissions aforesaid, it is pertinent to mention that even though, counsel for respondent No.1 has submitted about there to be threat to the life of respondent No.1, at the instance of Gurpreet Singh @ Tony, but however, there is nothing coming on record. On query by this Court, it is submitted by the counsel for respondent No.1 that till date, no application, to any higher authority, with regard to apprehension of threat to the life of respondent No.1, has been filed by him. In fact, nothing is coming on record, with regard to relationship of the applicant with Gurpreet



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Singh @ Tony, as well. This is a vague allegation made. Otherwise also, this Court is consciously not making reference to the allegations with regard to illicit relationship, lest it may hamper the interest of either of the parties in the divorce petition. However, the most weighing factor is about the applicant, who herself is not having any source of earning, to be taking care of two minor children. Moreover, maintenance petition is already pending in the Courts at Kapurthala, which is pursued by the respondent.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/13091/2024, titled '*Sachin Nayyar Vs. Nancy Nayyar*', filed by the respondent-husband, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Kapurthala. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Kapurthala.

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

30.10.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No