



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

Sr. No.113

Date of Decision: 20.05.2025

1. TA-151-2025

SANEHLATA

....Applicant

Versus

JITENDER

.....Respondent

2. TA-152-2025

SANEHLATA

....Applicant

Versus

JITENDER

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

**Present:- Mr. Sourabh Sheoran, Advocate
for the applicant (in both the cases).**

**Mr. Ashok K. Sharma, Advocate
for the respondent (in both the cases).**

ARCHANA PURI, J. (Oral)

Vide this order, I shall dispose of two applications, filed by Sanehlata-applicant/wife, for seeking transfer of the litigation, pending between the parties to the lis.



TA-151-2025 & TA-152-2025

TA-151-2025 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/331/2024, titled '*Jitender Vs. Snehlata*', filed at the instance of respondent-husband.

TA-152-2025 has been filed by the applicant-mother for seeking transfer of the petition under Sections 7, 8 and 10 of the Guardianship and Wards Act i.e. GW/37/2024, titled '*Jitender Vs. Snehlata*', thereby seeking custody of the minor children, born from the wedlock of the parties to the lis.

Both the aforesaid cases are pending in the Courts at Bawal, District Rewari and the applicant seeks transfer of the same to the Court of competent jurisdiction at Narnaul.

Upon notice issued, respondent made appearance through counsel. The counsel for the respondent has filed reply in TA-152-2025.

The 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 24.02.2011. Two children were born from the said wedlock, one daughter, who is aged about 12 years and one son, who is aged about 8 years, at present. Both the said children are in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The respondent is serving in Delhi Police and getting a handsome salary. Even though, the applicant is working as a Data Entry Operator in Haryans State Cooperative Agricultural and Rural Development Bank under HKRN Scheme, but her salary is only to the extent of Rs.18,244/- per month, as a



result whereof, it is difficult for her to run the house and take care of both the children and their educational needs etc.

Moreover, it is submitted that the applicant has already filed the petition under Section 125 Cr.P.C. i.e. MNT-125/62/2024, which is pending in the Courts at Narnaul, at appearance stage. Furthermore, it is submitted that the respondent has intentionally file the petition under Sections 7, 8 and 10 of the Guardianship and Wards Act, in the Family Court (Camp Court) Bawal, District Rewari, only to harass the applicant, as he is very well in know of the said petition to be filed at the place, where the children are presently residing.

On the other hand, the counsel for the respondent, while making reference to the reply filed, has submitted that the present applications are misuse of the process of law, relating to filing of transfer applications. In fact, the applicant is earning and therefore, she is very well in a position to contest the application, even if, it remains pending at Bawal. Also, it is submitted that due to the exigencies of his job, as police official, it shall become difficult for the respondent also, in case the transfer applications are accepted.

In view of the rival submissions made aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, in case of transfer applications relating to the matrimonial dispute. Though, it may not be a thumb rule, but however, various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, the applicant is though, a working woman, but her salary is stated to be only Rs.18,244/-. This fact also has to



be considered in the backdrop of the fact that the applicant is also taking care of two minor school-going children. Obviously, considering the financial affluence of the respondent, who is a police official, his salary is bound to be much more than the earnings of the applicant. Therefore, with the extent of amount, which the applicant is earning, it is bound to be inconvenient for her, to pursue the litigation, pending in the Courts at Bawal. Also, the applicant has filed the petition under Section 125 Cr.P.C., for seeking maintenance for herself, as well as for her children, which is pending in the Courts at Narnaul.

In view of the aforesaid fact situation and balancing the convenience/inconvenience of both the parties, it is just and expedient to accept the transfer applications. Hence, both the transfer applications are hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/331/2024, titled '*Jitender Vs. Snehlata*' and the petition under Sections 7, 8 and 10 of the Guardianship and Wards Act i.e. GW/37/2024, titled '*Jitender Vs. Snehlata*', filed by the respondent/husband/father, stands transferred from the Family Court (Camp Court) Bawal, District Rewari, to the Court of competent jurisdiction at Narnaul. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Bawal, to the District and Sessions Judge, Narnaul.

Though the matters are of civil nature, but however, considering the nature of job of the respondent, learned District and Sessions Judge, Narnaul, is hereby requested to assign both the cases, to the Court, where the petition under Section 125 Cr.P.C., between the parties to the lis, is already pending. Even, the parties are directed to appear before the Court concerned,



TA-151-2025 & TA-152-2025

within a period of one month from today onwards.

The Court concerned shall make an endeavour to adjourn all the cases, for one and the same date.

Also, the respondent always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

20.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No