



TA-283-2025

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

Sr. No.116

TA-283-2025

Date of Decision: 11.08.2025

SANDEEP KAUR

....Applicant

Versus**AJAY**

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mikhail Kad, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 02.07.2025.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 282 of the Muhammadan Law for Restitution of Conjugal Rights i.e. DMC/3/2024, titled '*Ajay Vs. Sandeep Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Tohana, District Fatehabad and she seeks transfer of the same to the Court of competent jurisdiction at Moonak, District Sangrur.

Upon notice issued, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.

Counsel for the applicant heard.



TA-283-2025

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 23.10.2020. One son born from the said wedlock, is in the care and custody of the respondent. It is submitted that the son was snatched forcibly and was taken away by the respondent. Also, it is submitted that the applicant is not having any source of earning and as such, is totally dependent upon her parental family. The distance between the two places is about 35 kilometres and two other cases, arising from the matrimonial dispute i.e. the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the petition under the Protection of Women from Domestic Violence Act, are already pending in the Courts at Moonak, District Sangrur and the respondent is making appearance in both the said petitions.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts given preference to the convenience of wife, while considering the transfer application 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 not having any source of earning. The distance between the two places, though is stated to be only 35 kilometres, but however, the distance is one of the factors, which ought to be taken into consideration.

In view of the aforesaid fact situation and in the backdrop of two cases, arising from the matrimonial dispute, already pending in the Courts at Moonak, District Sangrur, which are pursued by him, more particularly, when he has not come forward to resist the application, the



TA-283-2025

transfer application is allowed and the petition under Section 282 of the Muhammadan Law for Restitution of Conjugal Rights i.e. DMC/3/2024, titled '*Ajay Vs. Sandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Tohana, District Fatehabad, to the Court of competent jurisdiction at Moonak, District Sangrur. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Tohana, to the District and Sessions Judge, Sangrur.

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

11.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No