



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

Sr. No.225

**TA-386-2025 (O&M)
Date of Decision: 02.12.2025**

JYOTI RANI

....Applicant

Versus

JARNAIL SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pramveer Singh, Advocate
for the applicant.

Mr. Dhanvinder Singh Nigha, 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/279/2025, titled '*Jarnail Singh Vs. Jyoti Rani*', filed by the respondent-husband, pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Khanna, District Ludhiana.

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

Counsel for the parties heard.



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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 09.11.2021. One son born from the said wedlock, who is about 3 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of livelihood and as such, she is dependent upon her parents. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Khanna and the respondent is making appearance in the same. The distance between the two places is stated to be about 325 kms.

On the other hand, counsel for the respondent, while making reference to the reply filed, submits that it shall be too harsh, for the respondent also, in case the transfer application is accepted.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute, though, it may not be a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, most relevant and weighing factor is the child, who is about 3 years old, to be in the care and custody of the applicant, who herself has no source of earning. There is another litigation pending between the parties i.e. the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Khanna and the respondent is already making appearance in the same. Besides the aforesaid, the distance between the two places is another weighing factor, which ought to



be taken into consideration, while watching the ‘interest’ of the minor child, to be left behind by the mother, while pursuing the aforesaid litigation.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/279/2025, titled ‘*Jarnail Singh Vs. Jyoti Rani*’, filed by the respondent-husband, stands transferred from the Family Court, Faridabad, to the Court of competent jurisdiction at Khanna, District Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Faridabad, to the District and Sessions Judge, Ludhiana.

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

Pending civil miscellaneous application also stands disposed of.

02.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No