

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

Sr. No.101

Date of Decision: 08.05.2025

1.

TA-458-2023 (O&M)

AANCHAL SAINI MEHTA

....Applicant

Versus

GURKIRAT SINGH MEHTA AND OTHERS

.....Respondents

2.

TA-731-2023 (O&M)

AANCHAL SAINI

....Applicant

Versus

GURKIRAT SINGH MEHTA AND ANOTHER

.....Respondents

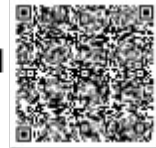
CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Gobind Dhanda, Advocate
for the applicant.
(in both the applications).

Mr. Ashish Aggarwal, Advocate
for the respondents.
(in both the applications).

ARCHANA PURI, J. (Oral)

These are two applications filed at the instance of the applicant-
Aanchal Saini, who is the daughter-in-law, of contesting respondent No.1.
thereby seeking transfer of the litigation, pending between the parties to the
lis.



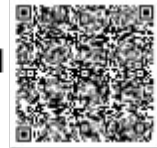
TA-458-2023 has been filed for seeking transfer of the civil suit i.e. CS/3478/2022 titled '*Gurkirat Singh Mehta v/s Aanchal Saini and others*', filed at the instance of respondent No.1 (father-in-law), which is pending in the courts at Amritsar and she seeks transfer of the same to the court of competent jurisdiction at Chandigarh.

TA-731-2022 has been filed for seeking transfer of the civil suit i.e. CS/823/2023 titled '*Gurkirat Singh Mehta v/s Ashwani Saini and Another*', filed at the instance of respondent No.1, which is also pending in the courts at Ambala and she seeks transfer of the same to the court of competent jurisdiction at Chandigarh.

Upon notice, the respondents had made appearance through counsel and submits that he does not intend to file reply to the transfer applications, though he contest the same.

Counsel for the parties heard.

At the very outset, it is submitted that the marriage of applicant-Aanchal Saini, was performed with the son of respondent No.1, namely Khushpal Singh and one daughter was born from the said wedlock on 19.12.2018, who is presently in the care and custody of the applicant. However, the matrimonial dispute arose between the applicant and her husband, as a result whereof, various litigation was initiated. It is further submitted that the applicant has filed maintenance petition, petition under Section 12 of Protection of Women from Domestic Violence Act as well as criminal case under Section 498-A IPC, which are pending in the courts at Chandigarh. Also, it is submitted that Khushpal Singh, son of respondent No.1, had filed divorce petition in Amritsar and qua the same, the applicant had filed transfer application i.e. TA-727-2022, for seeking transfer of the



said divorce petition, which has since been allowed, vide order dated 22.07.2022, copy whereof is Annexure P-1.

It is also submitted that the aforesaid suits, which are sought to be transferred, are an offshoot of the matrimonial dispute. The same have been filed only to harass the applicant. The applicant is not having any source of earning and he is taking care of the minor daughter also. As such, it is submitted that it is difficult for her to commute a distance of about 250 kms, to defend the said suits.

On the other hand, counsel for the respondents submits that contesting respondent No.1 is an aged person and it is difficult for him also, to pursue the litigation, if so transferred.

In view of the rival submissions, it is pertinent to mention that generally the courts lean towards the convenience of women, while considering the transfer application, relating to the matrimonial disputes. The suits in hand have also been filed by the father-in-law against the daughter-in-law and they are partly an offshoot of the matrimonial dispute of the applicant with her husband. All the other litigation arising from the matrimonial dispute, is pending in the courts at Chandigarh. The divorce petition filed by the husband at Amritsar already stands transferred to Chandigarh. Also, the applicant is not having any source of earning and she is taking care of the minor daughter.

Considering the aforesaid mitigating circumstances, it is just and expedient that the transfer applications be allowed.

Hence, the transfer applications are hereby allowed and the civil suit i.e. CS/3478/2022 titled '*Gurkirat Singh Mehta v/s Aanchal Saini and others*', and civil suit i.e. CS/823/2023 titled '*Gurkirat Singh Mehta v/s*



Ashwani Saini and another’, filed at the instance of respondent No.1 (father-in-law), stand transferred from the Family Court, Amritsar to the Family Court, Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Amritsar to the District and Sessions Judge, Chandigarh.

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

08.05.2025
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No