



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

Sr. No.246**TA-463-2025****Date of Decision: 04.12.2025****JASMINE****....Applicant****Versus****NANAK BHATIA****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. H.S.Sidhu, Advocate
for the applicant.

Mr. Ankur Jain, Advocate
for the 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/427/2023, titled '*Nanak Bhatia v/s Jasmine Bhatia*', 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 Chandigarh.

In pursuance of notice issued, the respondent made appearance through counsel and filed the 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 14.01.2021 and one daughter was born from the said wedlock on 11.12.2021. She was made to go to her parental place during the time, when



she was in a family way and thereafter, she was never taken back. It is further submitted that the applicant is not having any source earning and she together with the minor daughter, are dependent upon her parental family. She has filed petition under Section 12 of Protection of Women from Domestic Violence Act, which is pending in the courts at Chandigarh and the respondent is making appearance in the same.

On the other hand, counsel for the respondent while making reference to the reply, submits that the applicant has concealed the material facts. In fact, she has filed one complaint before the police authorities. However, the assertions with regard to the cruelty, as such, were not found to be true and no FIR was registered on the basis of the said complaint.

In view of the submissions made aforesaid, it is pertinent to mention that the courts generally lean towards the convenience of wife, while considering the transfer applications, relating to the matrimonial dispute. Each case has to be appraised in its own factual background and one distinctive circumstance may change the fate of the transfer application.

In the case in hand, the applicant is taking care of the minor daughter, while herself having no source of income. Even, the petition under Section 12 of Protection of Women from Domestic Violence, is already pending in the courts at Chandigarh, which is pursued by the respondent. Though, much emphasis has been laid upon the complaint filed at the instance of the applicant, which was not found to be true and no FIR was registered, but however, the filing of the complaint and the impact of the same shall be considered by the courts in the appropriate proceedings.

However, the most relevant ground in the present application is about the



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minor daughter to be in the care and custody of the applicant, while herself having no source of earning as well as one litigation already pending in the courts at Chandigarh, which is pursued by the respondent.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/427/2023, titled '*Nanak Bhatia v/s Jasmine Bhatia*', filed by the respondent-husband, stands transferred from the Family Court, Ludhiana to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, 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.

04.12.2025

Sonu Saini

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No