



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

Sr. No.209

TA-562-2024

Date of Decision: 10.07.2025

ROSY WALIA

....Applicant

Versus

RAMANDEEP SINGH WALIA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.L. Chander, Advocate
for the applicant.

Mr. Vaibhav Sharma, 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. DMC/270/2024, titled '*Ramandeep Singh Walia Vs. Rosy Walia*', filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

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

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 24.02.2013. One daughter born from the said wedlock, who is about 9 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 having no source of earning. Also, it is submitted that the applicant had



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filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, copy whereof is Annexure A-2 and the same is pending in the Courts at Amritsar. Therein, interim maintenance was fixed to the extent of Rs.5,000/- per month, for the applicant and her minor daughter, but however, the respondent had not made the payment of the same, for the period 27.06.2022 to 26.05.2023 and thereafter, conditional warrants were issued. Again an amount of Rs.50,000/- was outstanding towards the respondent, but however, he failed to clear the arrears. Under these circumstances, the applicant was constrained to file repeated execution applications, but it had fallen on deaf ears and till date, no amount has been paid. The distance between the two places is about 234 kilometres. In the given circumstances, a prayer has been made for acceptance of the transfer application.

On the other hand, the counsel for the respondent, while making reference to the reply, submits that the applicant could not comply with the order of the maintenance, as he is out of job and being unemployed, he could not make the payment. In fact, the counsel submits that it shall be too harsh for the respondent also, if the transfer application is accepted.

In view of the rival submissions made by the counsel for the parties, it is pertinent to mention that generally, the Courts lean towards the convenience of the wife, in case of transfer application relating to the matrimonial dispute, more particularly, when the wife is not having any source of earning and is also taking care of the daughter. In the case in hand also, the girl child, who is about 9 years old, is in the care and custody of the applicant, who herself is not having any source of earning. Under the constrained circumstances, the applicant has initiated litigation against the



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respondent and the amount of interim maintenance fixed therein, has also not been paid, despite her repeatedly filing the execution applications before the Court. This in itself is a sufficient reason, to allow the transfer application and further, while taking into consideration the distance between the two places.

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. DMC/270/2024, titled '*Ramandeep Singh Walia Vs. Rosy Walia*', filed by the respondent-husband, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Amritsar.

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

However, considering the distance between the two places, 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 accordance with law.

10.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No