



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

Sr. No.201**TA-824-2024****Date of Decision: 17.11.2025****DIMPLE JAIN****....Applicant****Versus****ANOOP KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Tarun K. Sharma, Advocate
for the applicant.

Mr. Kumar Vishav Aggarwal, 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/112/2024, titled '*Anoop Kumar Vs. Dimple Jain*', filed by the respondent-husband, pending in the Family Court, Malerkotla and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.

In pursuance of notice issued, the respondent made appearance through counsel and filed 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 15.04.2012. One daughter born from the said wedlock on 28.06.2015, is in



the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant, together with the daughter, is dependent upon her parental family. Also, it is submitted that on account of the matrimonial dispute, the applicant has filed the petition under Section 125 Cr.P.C. i.e. MNT/21/2024, which is pending in the Courts at Panchkula. Therein, the respondent was earlier proceeded against *ex parte* and now, he has made appearance and joined the proceedings. Apart from the same, the applicant has also filed the petition under the Protection of Women from Domestic Violence Act i.e. Complaint No.56/2024, which is also pending in the Courts at Panchkula. Though, the counsel for the applicant never knew about the status of appearance of the respondent, but however, counsel for the respondent has disclosed that the respondent had already made appearance in the same. Also further, it is submitted that the distance between the two places is about 124 kms.

The applicant is working as a 'teacher' in private school in Panchkula and taking care of the young daughter, who is studying in 4th grade. In the given circumstances, it is submitted that it is difficult for the applicant, to defend the petition under Section 9 of the Hindu Marriage Act.

On the other hand, counsel for the respondent, while making reference to the reply, submits that though the custody of the child is with the applicant, but however, she is managing the affairs, as she is working as a teacher. Earlier also, the maintenance petition was filed in the year 2021, but however, compromise was effected and thereupon, the respondent had shifted to Panchkula. Again, the dispute arose between the parties, at the instance of the applicant. Furthermore, it is submitted that it is only on account of interference by the parents of the applicant, that the dispute had



arisen between the parties. Also further, counsel has submitted that an amount of Rs.25,00,000/- has since been given by the respondent to the applicant, which was invested in the form of fixed deposits, which amount has further been transferred by the applicant, in favour of her father.

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. However, the same is not a thumb rule. Other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. In the case in hand, the most relevant factor is about one daughter, aged about 10 years, being in the custody of the applicant. She is a student of 4th class in the school in Panchkula. Even though, much emphasis has been laid upon the fact about the applicant to be working as a teacher and she being financially independent, but however, as observed aforesaid, the most relevant factor is about the daughter residing with the applicant, who is about to enter her teenage.

In view of the aforesaid fact situation and also considering the fact about two cases arising from the matrimonial dispute, already pending in the Courts at Panchkula, which are being pursued by the respondent, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/112/2024, titled '*Anoop Kumar Vs. Dimple Jain*', filed by the respondent-husband, stands transferred from the Family Court, Malerkotla, to the Court of competent jurisdiction at Panchkula. The requisite record of the aforesaid case be sent by the Family Court, Malerkotla, to the District and Sessions Judge, Panchkula.



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

17.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No