



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

Sr. No.118**TA-847-2024****Date of Decision: 02.05.2025****MAMTA RANI****....Applicant****Versus****NAVJOT****....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr.J.S.Mahal, Advocate
for the applicant.

Mr. Manmeet Singh Rana, 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/36/2024 titled “*Navjot v/s Mamta Rani*”, filed by the respondent/husband, which is pending in the courts at Jalandhar and she seeks transfer of the same to the court of competent jurisdiction at Amritsar.

Upon notice, 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 was solemnized on 15.03.2023, but no child was born from the said wedlock. However, on account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is dependant upon her



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parental family. Even, the applicant has filed petition under Section 125 Cr.P.C., which is pending in the courts at Amritsar and is at the appearance stage. The respondent is stated to be working as a government teacher and therefore, he can very well pursue the petition under Section 9 of Hindu Marriage Act, if so transferred to Amritsar, where the other case is pending between the parties.

On the other hand, counsel for the respondent while making reference to the reply and the documents annexed, submits that the parents of the respondent are bed ridden. Even, the brother of the respondent is also 80% disabled, as Post Polio Regional Paralysis, involving left lower limb, copy whereof is Annexure R-1. Further, it is submitted that the sister-in-law and nephew of the respondent are also suffering from disability and their disability certificates are Annexures R-2 and R-3, respectively. In the given circumstances, it is submitted that the respondent is taking care of the five persons and thus, it will be difficult for him, to pursue the petition, if so transferred.

In view of the aforesaid submissions, it is pertinent to mention that generally, the courts lean towards the convenience of the wife, in case of transfer applications, relating to the matrimonial disputes, but however, various other circumstances coming forth also, ought to be taken into consideration. Though, it is submitted that the parents of the respondent are bed ridden, but however, no material as such, is coming forth to so substantiate this averment. Considering the same and also taking into consideration the fact of the respondent, being the government teacher, who in the minimum must be pursuing his job in all probability, for atleast six hours a day, it could not be said that the family requires the presence of the respondent all the time.



Considering the aforesaid and also taking into consideration the mitigating circumstances of the applicant, as stated aforesaid and the distance between the two places to be 85 kms, the present application is hereby allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/36/2024 titled “*Navjot v/s Mamta Rani*”, filed by the respondent/husband, stands transferred from the Family Court, Jalandhar to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar 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, taking into consideration the convenience of the respondent also, the respondent always has the option to file an application before learned Trial Court, for seeking permission to make appearance through electronic mode, as and when required. However, the after filing of such application, the court concerned shall pass an appropriate order in the fitness of the circumstances, as spelt forthwith, while considering the request of the respondent.

02.05.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No