



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

Sr. No.104**TA-1063-2023****Date of Decision: 30.09.2025****SHIVANI****....Applicant****Versus****MOHIT GABHA****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Amit Thakur, Advocate for
Mr. Akhilesh Vyas, Advocate
for the applicant.

Mr. Atul Goyal, 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/41/2023, titled '*Mohit Gabha Vs. Shivani*', filed by the respondent-husband, pending in the Family Court, Sri Muktsar Sahib and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

Upon 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 11.12.2016. One daughter born from the said wedlock, who is about 8 years old, is in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. Though, it is not



TA-1063-2023

mentioned in the application, but however, on query by this Court, it is submitted by the counsel that the applicant is not having any source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Amritsar and respondent has joined the said proceedings. However, he has not made the payment of arrears of interim maintenance, as ordered by learned Family Court. The distance between the two places is stated to be about 170 kilometres.

On the other hand, counsel for the respondent, while making reference to the reply filed, submits that the respondent is not keeping good health. In fact, on account of this matrimonial dispute, the respondent had been suffering from '*chronic stress, resulting in decreased sleep and appetite, frequent anger outbursts and episodes of emotional breakdown with documented thoughts of self-harm*'. In the given circumstances, it is submitted that, because of this medical ailment, it shall be difficult for the respondent also, to pursue the divorce petition, if so transferred to Amritsar.

At the very outset, it is pertinent to mention that even though, it is alleged, on the basis of the medical record i.e. Annexure R-1 that the respondent is having medical ailment of '*severe depressive episode without psychotic symptoms*', but, perusal of the said record, which is discharge summary, reveals that the respondent remained admitted in hospital from 04.07.2023 to 06.07.2023, but however, it is also evident from the same that the condition of the respondent, at the time of discharge, was stable. There is no other medical record, coming forth, after the discharge in the month of July, 2023. As such, it is evident that the medical condition of the respondent is not such, on the basis whereof, it becomes impossible for him, to pursue the matrimonial litigation.



Simultaneously, it ought to be taken into consideration that the minor daughter born from the wedlock of the parties, is in the care and custody of the applicant, who herself is not having any source of earning. Also, the respondent has not made the payment of interim maintenance, as ordered by learned Family Court.

In view of the aforesaid fact situation and balancing the convenience/inconvenience of both the parties, 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/41/2023, titled '*Mohit Gabha Vs. Shivani*', filed by the respondent-husband, stands transferred from the Family Court, Sri Muktsar Sahib, to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Family Court, Sri Muktsar Sahib, 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.

30.09.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No