



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

Sr. No.111

**TA-939-2024 (O&M)
Date of Decision: 12.05.2025**

SONAM

....Applicant

Versus

RAMPHAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Shantanu Bansal, Advocate
Mr. Vikas Rohal, Advocate
for the applicant.

Mr. J.S. Saneta, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-466-CII-2025

The present application has been filed by the respondent, for placing on record the reply to the transfer application.

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

Main case

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/875/2023, titled '*Ramphal Vs. Sonam*', filed by the respondent-husband, pending in the Family Court, Sonapat and she seeks transfer of the same to the Court of competent jurisdiction at Panipat.

Upon notice, the respondent made appearance through counsel and filed reply.



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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 14.11.2013. One son born from the said wedlock on 06.09.2016, is in the care and custody of the respondent. Furthermore, it is submitted that the applicant is not having any source of earning, on which account, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Panipat and the respondent is making appearance in the same. Even, she had filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Panipat. Also, FIR bearing No.220 dated 26.06.2018, under Sections 323, 34, 354, 498-A and 506 IPC, was got lodged by the applicant at Police Station Matlauda, District Panipat and challan has been presented in the same and the respondent is facing trial, relating to the said FIR in the Courts at Panipat. Thus, in all the cases pending at Panipat, the respondent is making appearance. In the given circumstances, when the applicant is not having any source of earning, it is submitted that it is difficult for her to pursue the divorce petition.

On the contrary, the counsel for the respondent submits that the respondent is a B.Tech. Qualified, but he is unable to do job, on account of taking care of the minor son, who is about 8 years old. As such, it is prayed that keeping in view the fact of child living with him, the application be not allowed.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, in case of transfer applications relating to the matrimonial disputes. However,



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it is not a thumb rule. Various other circumstances coming forth, also have to be taken into consideration and some balancing of convenience/inconvenience of both the sides is to be seen. In the case in hand, even though, the child is living with the respondent, but however, he is not of that age, where all the time personal attention of parents is required. Besides this fact, also it has to be considered that the applicant has no source of earning. Even, she has filed the petition under Section 125 Cr.P.C., as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act and both the said cases are pending in the Courts at Panipat. Also, she has got lodged an FIR as detailed aforesaid, wherein the respondent is facing trial in the Courts at Panipat. Since the respondent is already pursuing three cases, arising from the matrimonial dispute, which are pending in the Courts at Panipat, it shall be just and expedient to accept the transfer application.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/875/2023, titled '*Ramphal Vs. Sonam*', filed by the respondent-husband, stands transferred from the Family Court, Sonapat, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court, Sonapat, to the District and Sessions Judge, Panipat.

Learned District and Sessions Judge, Panipat, shall assign the said petition to the same Court, where the cases arising from the matrimonial dispute are already pending. Even, the parties are directed to appear before the Family Court, Panipat, within a period of one month from today onwards.



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To avoid any inconvenience to the respondent, who is taking care of the child, the Court concerned is requested to make an endeavour to adjourn all the cases, including the present one, which has since been transferred, on one date preferably. Also, the respondent has an option to file an application for making appearance through virtual mode and upon filing of such application, the Court concerned shall consider the same, in accordance with law and pass an appropriate order.

12.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No