



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

Sr. No.208

TA-891-2025

Date of Decision: 03.12.2025

SHAMA ANSHARI

....Applicant

Versus

ASLAM MOHAMMAD

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ilyas Khan, Advocate
for the applicant.

Mr. Hemant Hans, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the civil suit, filed for restitution of conjugal rights under the Mohammedan Law i.e. MPL/3/2024, titled '*Aslam Mohammad Vs. Shama Ansari*', filed by the respondent-husband, pending in the Family Court, Bilaspur, District Yamunanagar 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 14.12.2003. Three children were born from the said wedlock. The elder son, who is aged about 19 years, is living with the respondent, whereas, two younger children, who are on the verge of attaining the age of majority, are living with the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning to maintain herself and her two minor children. On account of this matrimonial dispute, the applicant has also filed the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/22/2024, as well as the petition under Section 125 Cr.P.C. i.e. MNT-125/44/2024, which are pending in the Courts at Panchkula and the respondent is pursuing both the litigations. Besides the same, the respondent is facing trial in the Courts at Panchkula, relating to FIR bearing No.8 dated 11.01.2024, under Sections 323, 406, 498-A and 506 IPC, got lodged by the applicant at Police Station Raipur Rani, District Panchkula. In the given circumstances, it is submitted that it is difficult for the applicant, to pursue the civil suit, filed at the instance of the respondent.

On the other hand, counsel for the respondent, while referring to the reply, submits that the distance between the village of the applicant i.e. Garhi Kotaha and District Court, Panchkula, is only 28 kms. Even, the distance between her village, as well as Courts at Bilaspur, is 46 kms. Therefore, the difference of the distance between the two places, where the



litigation is already pending and where it is sought to be transferred, is not such, which causes much inconvenience to the applicant.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, the Courts generally lean towards convenience of the wife. However, various aspect of the convenience/inconvenience of both the parties ought to be taken into consideration and then some balancing has to be made. In the case in hand, there are three children born from the wedlock of the parties. Two of them are residing with the applicant, whereas, one son is residing with the respondent. On account of this matrimonial dispute, three other litigations, as detailed aforesaid, are already pending in the Courts at Panchkula, more particularly, the criminal case, wherein the respondent is required to make appearance on each and every date of hearing. Even, the applicant is not having any source of earning.

Though, much emphasis has been laid upon the distance to be not such, but however, the extent of distance is one aspect, which ought to be considered. However, while taking into consideration the constrained circumstances, as observed aforesaid, it is just and expedient to allow the application. Hence, the transfer application is allowed and the civil suit, filed for restitution of conjugal rights under the Mohammedan Law i.e. MPL/3/2024, titled '*Aslam Mohammad Vs. Shama Ansari*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Bilaspur, District Yamunanagar, to the Court of competent jurisdiction at



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Panchkula. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Bilaspur, 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.

03.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No