



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

Sr. No.112

TA-914-2025

Date of Decision: 14.11.2025

PINKY

....Applicant

Versus

MADAN AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

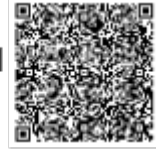
Present:- Mr. J.S. Bhinder, Advocate
for the applicant.

Mr. Deepak Sharma, Advocate
for respondent No.1 (sole contesting 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/508/2025, titled '*Madan Vs. Pinky and another*', filed by respondent No.1-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

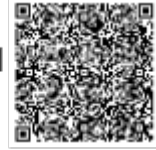
In pursuance of notice issued, respondent No.1, who is the sole contesting respondent, made appearance through counsel. However, on 16.10.2025, counsel for respondent No.1 had made a submission that he does not intend to file reply to the transfer application, though he contests the same.



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 09.10.2010. Two children were born from the said wedlock, elder is son, who is about 9 years old and the younger one is the daughter, who is about 4 years old. The son is residing with respondent No.1, whereas, the daughter is residing with the applicant. On account of the matrimonial dispute, the applicant has filed the petition under Sections 12 and 17 to 23 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Patiala. Also, it is submitted that the applicant had filed the complaint before SSP, Patiala, for initiation of action against respondent No.1, but the same is still pending inquiry. Furthermore, it is submitted that the applicant is not having any source of earning. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 51 kms., more particularly, while taking care of the minor daughter.

On the other hand, counsel for respondent No.1, though has not filed reply, but however, he assiduously resists the transfer application. In fact, it is submitted that the applicant got a stray and is living in adultery. On this account, the dispute arose between the parties to the lis. Also, it is submitted that the parents of respondent No.1 had since died and he is taking care of one minor son. Therefore, it shall become difficult for him also, to pursue the divorce petition, if the transfer application is accepted. Furthermore, it is submitted that taking into consideration the conduct of the applicant, no benefit, as such, be granted to her, *vis-a-vis*, the transfer of the



divorce petition.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that even though, the counsel for respondent No.1 had not filed reply, but he had laid much emphasis upon the conduct of the applicant, with regard to her having adulterous relationship. However, the factum of adultery, can only be adjudicated in the divorce petition, by learned Family Court. This Court is keeping a conscious constraint, as not to make any comment on the ground of adultery, as submitted by the counsel for respondent No.1, more particularly, when he has not filed the reply to the transfer application.

Besides the aforesaid, also it is not disputed that there are two children born from the estranged marriage, one son who is living with the respondent No.1 and one daughter, who is younger in age and is living with the applicant. The interest of the children is also required to be watched, more particularly, of the female child. There is another litigation arising from the broken marriage, which is pending in the Courts at Patiala and the respondent No.1 is making appearance in the same.

In view of the aforesaid fact situation and also watching the 'best interest' of the female child, who is living with the applicant and also considering the fact about the applicant having no source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/508/2025, titled '*Madan Vs. Pinky and another*', filed by respondent No.1-husband, stands transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court,



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Ambala, to the District and Sessions Judge, Patiala.

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

14.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No