



TA-922-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.109

TA-922-2025

Date of Decision: 10.11.2025

ANJALI

....Applicant

Versus

RAJESH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Neha Bindal, Advocate for
Mr. Khalid Tauru, Advocate
for the applicant.

Mr. Amit Verma, Advocate for
Mr. Lupil Gupta, 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/66/2025, titled '*Rajesh Vs. Anjali*', filed by the respondent-husband, pending in the Family Court (Camp Court) Ellenabad, District Sirsa and she seeks transfer of the same to the Court of competent jurisdiction at Rewari.

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



28.12.2024, but no child was born from the said wedlock. However, due to the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and as such, is dependent upon her parental family. The distance between the two places is stated to be 230 kms. and on this account, it is submitted that it is difficult for the applicant, to defend the petition under Section 9 of the Hindu Marriage Act.

On the other hand, counsel for the respondent, while making reference to the reply, submits that it is only on account of the distance, the applicant is seeking transfer of the petition under Section 9 of the Hindu Marriage Act. Moreover, it is submitted that there is no child born from the wedlock of the parties and therefore, it should not be difficult for the applicant to pursue the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while adjudicating on the transfer application relating to the matrimonial dispute. There are various factors, which ought to be taken into consideration. Even though, in the case in hand, there is no child born from the wedlock of the parties to the lis, but however, it is pertinent to mention that the applicant is not having any source of earning and is dependent upon her parental family. Even, the distance between the two places is about 230 kms. Keeping in view the distance itself, it ought to be difficult for the applicant, to defend the litigation thrust upon her, more particularly, when she herself is not having any source of earning.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e.



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HMA/66/2025, titled '*Rajesh Vs. Anjali*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Ellenabad, District Sirsa to the Court of competent jurisdiction at Rewari. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Ellenabad, to the District and Sessions Judge, Rewari.

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

10.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No