



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

Sr. No.206

**TA-1008-2025 (O&M)
Date of Decision: 12.12.2025**

SONIA

....Applicant

Versus

VINOD

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Archana Chauhan, Advocate for
Mr. Salil Dev Singh Bali, Advocate for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the previous order, despite service, the respondent did not make appearance, on that date. Even today, he has not made appearance. As such, respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act titled '*Vinod v/s Sonia*', filed by the respondent-husband, pending in the Family Court, (Camp Court) Kanina, District Mahendergarh and she seeks transfer of the same to the Court of competent jurisdiction at Sonapat.

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 13.12.2018 and one daughter was born from the said wedlock on 11.09.2021, who is presently in the care and custody of the respondent.



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Also, it is submitted that there is matrimonial dispute between the parties. As a result whereof, the applicant was thrown out of the matrimonial house by the respondent and his family, whereas, the daughter was forcibly retained by them. On account of this dispute, she has filed petition under Section 13 of Hindu Marriage Act, which is pending in the courts at Sonapat. She has also filed an application under Section 26 of Hindu Marriage Act, for seeking custody of the minor child. Further, it is submitted that the applicant is posted as Staff Nurse in a local hospital at Kaithal. The distance between the two places is stated to be 100 kms.

While adjudicating on the transfer application, relating to the matrimonial dispute, the courts ought to take into consideration the convenience/inconvenience of both the sides and then do some balancing. In the case in hand, the child born from the said wedlock, is one of the weighing factor, which ought to be take into consideration. In the case in hand, the child is in the custody of the father, though, there are specific assertion with regard to the child having been forcibly retained by the respondent. In this regard, in the petition under Section 13 of Hindu Marriage Act, which was filed prior to the filing of the petition under Section 9 of Hindu Marriage, an application under Section 26 of Hindu Marriage Act, was filed at the instance of the mother, for seeking custody of the minor child. The distance is also about 100 kms. The applicant is stated to be a working woman and as such, it is bound to be inconvenient for her, to pursue the petition under Section 9 of Hindu Marriage Act, from such a distance. Moreover, as asserted, the respondent who is having the custody of the child, has not come forward, to contest the transfer application.



In view of the aforesaid factual position, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act titled '*Vinod v/s Sonia*', filed by the respondent-husband, stands transferred from Family Court, (Camp Court) Kanina, District Mahendergarh, to the Court of competent jurisdiction at Sonapat. The requisite record of the aforesaid case be sent by the Family Court, (Camp Court) Kanina, District Mahendergarh, to the District and Sessions Judge, Sonapat.

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

12.12.2025

Sonu Saini

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No