



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.105

Date of Decision: 27.02.2025

1. TA-1586-2023

BHARTI

....Applicant

Versus

HANS RAJ

.....Respondent

2. TA-1638-2023

AARTI

....Applicant

Versus

RAMESH RATHI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vinay Kumar Pandey, Advocate
for the applicant
(in both the applications).

Mr. Naresh Kumar Khepar, Advocate
for the respondent
(in both the applications).

ARCHANA PURI, J. (Oral)

Vide this order, I shall dispose of two applications, filed by the
applicants, who are sisters, for seeking transfer of the petitions under Section
9 of the Hindu Marriage Act, filed by the respondents (husbands of



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respective applicants), who are the real brothers.

TA-1586-2023 has been filed by the applicant-Bharti for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1379/2023, titled '*Hans Raj Vs. Bharti*', filed at the instance of respondent-Hans Raj.

TA-1638-2023 has been filed by the applicant-Aarti for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1380/2023, titled '*Ramesh Rathi Vs. Aarti*', filed by the respondent-Ramesh Rathi.

Both the aforesaid cases are pending in the Courts at Gurugram and the applicants seek transfer of the same to the Court of competent jurisdiction at Nuh.

In pursuance of the notice issued, respondents in both the applications made appearance through counsel and filed replies in the respective applications.

Learned counsel for the parties heard.

The counsel for the applicants submits that the marriage of both the applicants was performed with the respective respondents on 19.04.2017. One son was born from the wedlock of Bharti and Hans Raj, who is presently in the care and custody of the applicant-Bharti. From the wedlock of Aarti and Ramesh Rathi, two children were born, one son and one daughter, who are presently in the care and custody of the respondent-Ramesh Rathi. However, it is submitted that the matrimonial dispute arose between the parties concerned, as a result whereof, both the applicants are at present residing with their parental family. In fact, it is submitted that earlier also, the dispute had arisen between the parties and an attempt was made for



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amicable settlement, but however, it did not fructify. It was only thereafter, the respective petitions under Section 9 of the Hindu Marriage Act, were filed by the respondents. Even, the petitions under Section 125 Cr.P.C., were filed by the respective applicants.

Also, it is submitted that the applicant-Bharti is not having any source of earning and is totally dependent upon her parental family, whereas, the applicant-Aarti, is working as ANM in Amrita Hospital, Faridabad. In the given circumstances, it is submitted that it is difficult for the applicants to defend the respective petitions under Section 9 of the Hindu Marriage Act, pending at Gurugram, which is at a distance of about 47 kilometres from the place of residence of the applicants.

In view of the submissions aforesaid, on query by the Court, it is disclosed by the counsel for the applicants that both the applicants are 10+2 pass and they have done ANM course.

It is pertinent to mention that though, time and again, it is held by the Courts that convenience of wife ought to be taken into consideration, while dealing with the transfer applications, relating to the matrimonial dispute, but however, it is not a thumb rule. In the present case, two sisters married in one house are having matrimonial dispute. Son born from the wedlock of Bharti and Hans Raj, is in the care and custody of Bharti, whereas, two children born from the wedlock of Aarti and Ramesh, are in the care and custody of the respondent-husband. Even, Aarti is doing job and thus, is financially independent. Considering the same, it may not be difficult for her to commute a distance of about 47 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

Considering the aforesaid fact situation and also considering the



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fact that both the sisters are residing in the same house, it shall not be appropriate to transfer one petition under Section 9 of the Hindu marriage Act, filed by Bharti. Rather, it will be causing more inconvenience to the parental family of both the applicants, if one application is accepted and the other one is dismissed. In the given circumstances, considering the fact about both the sisters, to be rendering assistance to each other in pursuing the litigation, no case is made out for allowing the applications.

Hence, the transfer applications are hereby dismissed.

However, considering the convenience/inconvenience of both the parties to the present applications, a request is hereby made to the Court concerned, where the petitions under Section 9 of the Hindu Marriage Act are pending, to secure the presence of the applicants, through electronic mode.

27.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No