

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

Sr. No.109

TA-1617-2023

Date of Decision: 03.04.2025

CHANCHLA KUMARI

....Applicant

Versus

SANTOSH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vikram Preet Arora, Advocate
for the applicant.

Ms. Kompal Arora, Advocate
for the respondent.

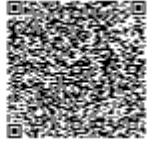
ARCHANA PURI, J. (Oral)

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/327/2023, titled '*Santosh Kumar Vs. Chanchla Kumari*', filed by the respondent-husband, pending in the Family Court, Rupnagar and she seeks transfer of the same to the Court of competent jurisdiction at Khanna, District Ludhiana.

Upon notice, the respondent made appearance through counsel and filed reply.

Learned 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 07.07.2019. One daughter born from the said wedlock, who is about 5 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Even, the applicant



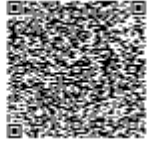
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had filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Khanna and the respondent is pursuing the said petition. The applicant is not having any source of earning and is totally dependent upon her parental family. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 60 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

On the contrary, the counsel for the respondent, while making reference to the contents of the reply, submits that the applicant had concealed the material facts. In fact, she was working earlier and there are heavy transactions in her bank account. Also, it is submitted that the applicant is well-educated and thus, can pursue the petition under Section 9 of the Hindu Marriage Act, if it remains pending at Rupnagar.

In view of the rival submissions aforesaid, it is pertinent to mention that even though, the counsel for the respondent has submitted about the applicant to be working earlier, but however, it is not so asserted in the reply itself. Even, no material has been brought on record, in this regard. Also, with regard to the heavy transactions reflected in the bank account, no material has come on record.

In view of the aforesaid fact situation, taking into consideration the position of law about preference given to the convenience of the wife in the transfer applications relating to the matrimonial dispute and also considering the fact of child, being in the care and custody of the applicant and also considering the fact about the respondent pursuing one litigation, which is already pending in the Courts at Khanna, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/327/2023, titled '*Santosh Kumar Vs. Chanchla Kumari*', filed



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by the respondent-husband, stands transferred from the Family Court, Rupnagar, to the Court of competent jurisdiction at Khanna, District Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Rupnagar, to the District and Sessions Judge, Ludhiana.

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

03.04.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No