



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

Sr. No.120+122

Date of Decision: 14.05.2025

TA-1574-2024 (O&M)

POONAM

....Applicant

Versus

CHARANVEER SINGH

.....Respondent

TA-1577-2024 (O&M)

POONAM

....Applicant

Versus

CHARANVEER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rohit Kaushik, Advocate
for the applicant (in both the cases).

Mr. Ramnish Puri, Advocate
for the respondent (in both the cases).

ARCHANA PURI, J. (Oral)

CM-21859-CII-2024 IN TA-1574-2024 AND

CM-28196-CII-2024 IN TA-1577-2024

Keeping in view the averments made in the applications, same
are allowed.

**Main cases**

Vide this order, I shall dispose of two applications, filed by Poonam-applicant/wife, for seeking transfer of the litigation, pending between the parties to the lis.

TA-1574-2024 has been filed by the applicant-mother for seeking transfer of the petition under Sections 8 and 10 of the Guardians and Wards Act i.e. GW/32/2021, titled 'Charanveer Singh Vs. Poonam', filed by the respondent-father (husband of the applicant), thereby seeking custody of the daughter, born from the wedlock of the parties to the lis.

TA-1577-2024 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/394/2021, titled '*Charanveer Singh Vs. Poonam*', filed by the respondent-husband.

Both the aforesaid cases are pending in the Courts at Moga and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Sonapat.

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

The 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 05.12.2014 at Sonapat. One daughter born from the said wedlock, who is about 9 years old at present, is in the care and custody of the respondent. However, on account of the matrimonial dispute, the parties are residing separate. It is further submitted that the parents of the applicant are not alive



and as such, she is residing with her maternal uncle, who take care of her. She is not having any source of earning. Even, she had filed the petition under Section 125 Cr.P.C., for seeking maintenance in the Courts at Kharkhoda, District Sonapat and the same was contested by the respondent. The Court had fixed maintenance, to the extent of Rs.10,000/- per month. The order was passed in April, 2024, but till date, only an amount of Rs.19,000/- has been paid to the applicant, by the respondent.

In the given circumstances, it is submitted that when the applicant is not having sufficient finances, it is difficult for her to commute a distance of about 309 kilometres, to defend the litigation filed by the respondent, which is sought to be transferred.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the respondent is taking care of the minor daughter and in view of the same, it shall be difficult for him also, to pursue both the cases, if so transferred. Also, he submits that an amount of Rs.90,000/-, has since been paid, after the decision of the petition under Section 125 Cr.P.C.

In view of the rival submissions aforesaid, at the very outset, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, in case of transfer applications relating to the matrimonial disputes. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. The distance between Moga and Sonapat is about 309 kilometres, which is a long distance. Apart from this distance, also it is pertinent to mention that the minor daughter is residing with the



respondent. Simultaneously, it ought to be taken into consideration that the applicant is not having any source of earning and she is dependent upon her maternal uncle, in the absence of her parents.

Considering the aforesaid fact situation, more particularly, when the maintenance of Rs.10,000/- has been awarded by the Court and the same is not being paid regularly. Considering this conduct of the respondent, it is just and expedient to accept the transfer applications.

In view of the aforesaid fact situation, the transfer applications are allowed and the petition under Sections 8 and 10 of the Guardians and Wards Act i.e. GW/32/2021, titled '*Charanveer Singh Vs. Poonam*' and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/394/2021, titled '*Charanveer Singh Vs. Poonam*', filed by the respondent, stand transferred from the Family Court, Moga, to the Court of competent jurisdiction at Sonapat. The requisite records of the aforesaid cases be sent by the Family Court, Moga, to the District and Sessions Judge, Sonapat.

Learned District and Sessions Judge, Sonapat, shall assign the said petitions 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.

Pending civil miscellaneous applications, in both the applications, also stand disposed of.

14.05.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No