



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

Sr. No.364

**TA-1669-2024
Date of Decision: 26.08.2025**

RAZIA BEGUM

....Applicant

Versus

MUSTAK ALI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mayank Aggarwal, Advocate for
Mr. G.S.Sandhu, Advocate
for the applicant.

Mr. Lovepreet Singh Sandhu, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the suit filed for declaration to dissolve the muslim marriage of the parties i.e. MPL/4/2024, titled '*Mustak Ali v/s Rajiya*', filed by the respondent-husband, pending in the Family Court (Camp Court) Khanna, District Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

In pursuance of notice issued, the respondent made appearance through counsel and filed the 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, had taken place on 25.12.2022, but no child was born from the said wedlock. Also, it is submitted that the respondent was already married and having two children



from his earlier marriage. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is dependent upon her widow mother. Earlier, she had filed one complaint against the respondent, which has culminated into registration of the FIR No.29 dated 23.04.2025 under Section 85 and 316(2) BNS, which is under investigation. The distance between the two places is stated to be 103 kms. As such, a prayer has been made for transfer of the case.

On the other hand, counsel for the respondent, while making reference to the reply submits that it was the applicant, who is harassing the respondent and his family. Also, it is submitted that the behaviour of the applicant, is not up to the mark. In fact, she caused cruelty to the respondent, his aged parents as well as the two children born from the earlier wedlock of the respondent. The respondent is working as manual labourer at brick kiln and therefore, it shall be difficult for the respondent also to pursue the litigation, if so transferred.

In view of the submissions made aforesaid, it is pertinent to mention that the courts generally lean towards the convenience of wife, in cases, while considering the transfer applications, relating to the matrimonial disputes, but however, the same is not a thumb rule. Various other circumstances spelt out, ought to be taken into consideration. In the case in hand, there is no child born from the wedlock of the parties and the applicant is not having any source of earning. Also, the distance between the two places is stated to be 103 kms.

Considering the aforesaid facts situation, the transfer application is hereby allowed and the suit filed for declaration to dissolve the muslim marriage of the parties i.e. MPL/4/2024, titled '*Mustak Ali v/s Rajiya*', filed by the respondent-husband, stands transferred from the Family



Court (Camp Court) Khanna, District Ludhiana, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Khanna, to the District and Sessions Judge, Jalandhar.

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

26.08.2025

Sonu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No