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

Sr. No.202

TA-13-2025

Date of Decision: 21.01.2026

AARTI**....Applicant****Versus****DEV ALIAS ABHISHEK****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Sunita Devi, Advocate for
Mr. Sukhmeet Singh, Advocate
for the applicant.

Mr. Neeraj Jain, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1434/2024, titled '*Dev @ Abhishek Vs. Aarti*', filed by the respondent-husband, pending in the Family Court, Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Baghapurana, District Moga.

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



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28.11.2022. On account of matrimonial dispute, the parties are residing separate. One son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. She is not having any source of earning and is dependent upon her parental family. She has also filed petition under Section 144 of BNSS, which is pending at Baghapurana, District Moga and the respondent is making appearance in the same. The distance between the two places is stated to be about 125 kilometres.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the distance between the two places is stated to be 125 kilometres, whereas it is about 60 kilometres. Also, he submits that it shall be too harsh upon the respondent also, if the said application is accepted and the divorce petition is transferred.

In view of the submissions aforesaid, it is pertinent to note that while adjudicating on the transfer application relating to the matrimonial dispute, various factors ought to be taken into consideration, more particularly, the financial condition of the spouses and if any child is born, which spouse is having the custody of the child and his/her financial capability to take care of the child, the distance between the two places, convenience/inconvenience of the parties etc., so on and so forth. However, each case has to be decided on its own factual background and no straitjacket formula of universal application can be adopted. In the case in hand, the most weighing factor is about 2 years old child, to be in the care and custody of the applicant, who herself is not having any source of earning. Besides the same, there is one litigation, already pending in the



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Courts at Baghapurana, District Moga, which is being pursued by the respondent.

Considering the aforesaid circumstances as well as the distance between the two places, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1434/2024, titled '*Dev @ Abhishek Vs. Aarti*', filed by the respondent-husband, stands transferred from the Family Court, Bathinda, to the Court of competent jurisdiction at Baghapurana, District Moga. The requisite record of the aforesaid case be sent by the Family Court, Bathinda, to the District and Sessions Judge, Moga.

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

(ARCHANA PURI)
JUDGE

21.01.2026
Preeti S.

Whether speaking/reasoned : Yes

Whether reportable : Yes/No