



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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TA-58-2025 (O&M)

Date of Decision: March 12, 2026

Sarita Rani

...Applicant

Versus

Kuldeep Kumar

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Aarti Sharma, Advocate
for the applicant.

Mr.Kinshu Mittal, Advocate
for the respondent.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-1194-2024, titled 'Kuldeep Kumar vs. Sarita Rani', pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Kaithal.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on



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27.02.2020 and two children were born from the said wedlock. One daughter was born on 16.09.2021 and son was born on 12.10.2022 and they are in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning and she, together with the children, is dependent upon her parental family.

Further, it is submitted that after filing of the application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, the applicant has also filed petition under Section 125 Cr.P.C., which is pending in the Courts at Kaithal and the respondent is making appearance in the same. The distance between the two places is stated to be 70 kms.

On the other hand, learned counsel for the respondent, while making reference to the reply submits that applicant has not come to the Court with clean hands. In fact, she is taking benefit of the compromise earlier reached between the parties and thereafter, she had taken somersault and did not comply with the terms settled. In fact, counsel for the respondent has made reference to Annexure R-1, which is the application filed to Station House Officer, Women Police Station, Kaithal and on the basis thereof, it is submitted that the compromise was effected and certain conditions, as laid down by the applicant, were recorded, but however, she did not comply with the same.

It is submitted that since the aforesaid compromise, again after a period of 16 days, dispute again arose between the parties. It is further submitted that it is only on account of bad conduct of the applicant that the matter, as such, could not be settled between the parties.



In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration. There is no cast iron formula to be adopted in each transfer application, relating to matrimonial dispute. One distinctive circumstance may change the fate of the case.

Considering the same, for the purpose of disposal of the present application, the most weighing and relevant factor is about two children, born from the estranged marriage, to be in the care and custody of the applicant. Though, not disclosed by the applicant, but as per their age, the children must have started with their education. The relevant factor is to see, as to which spouse is taking care of the children and also about his/her capacity to raise the children. In the case in hand, the applicant is not having any source of earning. She, together with her children is dependent upon her parental family.

So far as, the documents annexed with the reply are concerned, with regard to arrival of the compromise, on the basis of the complaint earlier made, copy whereof is Annexure R-2, the same, as such, can only be appraised by the Court, where the petition under Section 9 of the Hindu Marriage Act is pending and precisely, on this account, this Court is keeping restraint to make any mention about the contents of the said complaint or the arrival of the compromise, on the basis thereof or about the non-compliance of the terms, so settled between the parties.

Taking into consideration the best interest of the children, born from the estranged marriage, as well as the distance between the two places



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and considering the fact of petition under Section 125 Cr.P.C., pending in the Courts at Kaithal, wherein the respondent is already making appearance, the transfer application, as such, is hereby allowed and the petition under Section 9 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-1194-2024, titled ‘Kuldeep Kumar vs. Sarita Rani’, pending in the Family Court, Patiala, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Kaithal. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Kaithal.

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

March 12, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No