



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.109 (2 cases)

Date of Decision: 23.02.2026

1. TA-106-2025

PANKAJ DEVI

....Applicant

Versus

SANJAY KUMAR

.....Respondent

2. TA-220-2025

PANKAJ DEVI

....Applicant

Versus

SANJAY KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Ritu Manohar, Legal Aid Counsel
for the applicant (in TA-106-2025).

Mr. Ankit Gupta, Advocate
for the applicant (in TA-220-2025).

Mr. Sumit Sangwan, Advocate
for the respondent (in both the cases).

**ARCHANA PURI, J. (Oral)**

These are two applications, filed by Pankaj Devi-applicant/wife, for seeking transfer of the litigation, pending between the parties to the lis.

TA-106-2025 has been filed for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/127/2023, titled '*Sanjay Kumar Vs. Pankaj Devi*', filed by the respondent-husband.

TA-220-2025 has been filed for seeking transfer of the petition under Section 25 of the Guardians and Wards Act i.e. GW/06/2024, titled '*Sanjay Kumar Vs. Pankaj*', filed by the respondent-father (husband of the applicant), thereby seeking custody of the children, born from the wedlock of the parties.

Both the aforesaid cases are pending in the Courts at Charkhi Dadri and the applicant seeks transfer of the same to the Court of competent jurisdiction at Rewari.

In pursuance of the notice issued, respondent made appearance through counsel in both the applications. Reply was filed by the respondent in TA-106-2025. However, today vide separate statement, got recorded by the counsel for the respondent, the said reply was also adopted in TA-220-2025.

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 13.02.2005. Two sons born from the said wedlock, who are in the age group of 8-15 years, are in the care and custody of the applicant. The elder son, namely, Akash, is deaf and is having 82% hearing impairment, for which



TA-106-2025 AND TA-220-2025

even the Unique Disability ID certificate, has been issued, under the signatures of Civil Surgeon, Rewari. The applicant is a matriculate and she has done ANM course and she is working as a Multi-purpose Health Worker, in General Hospital, Rewari. On account of taking care of two children, more specifically, of the disabled child, it is submitted that it is difficult for the applicant, to pursue the litigation, pending at Charkhi Dadri, which is at a distance of about 75 kms. from the place of her residence.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the present application has been filed, only to cause harassment to the respondent. In fact, it is submitted that the applicant is a working lady and therefore, she is also financially independent. As such, she can very well pursue the litigation, even if it remains pending at Charkhi Dadri.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer applications, relating to the matrimonial dispute, various factors ought to be taken into consideration. In the case in hand, the most weighing and relevant factor is about the two sons born from the estranged marriage, to be in the care and custody of the applicant/wife, more particularly, the elder son, who is about 15 years old and is having hearing impairment to the extent of 82%, which is spelt out from the Unique Disability ID, copy where is Annexure P-5 in TA-220-2025. In such circumstances, even though, the applicant is a working woman, but however, while doing parenting singularly, more particularly, considering the ailment of the elder child and that too considering his age, several challenges must be faced by the applicant.



Also, it is pertinent to mention that besides the litigation, which is sought to be transferred, two other litigations i.e. the petition under the Protection of Women from Domestic Violence Act i.e. DV/113/2023 and the divorce petition i.e. DMC/117/2023, are already pending in the Courts at Rewari and the respondent is pursuing both the said cases.

In view of the aforesaid fact situation, it is just and expedient to accept the applications. Hence, both the transfer applications i.e. TA-106-2025 and TA-220-2025 are hereby allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/127/2023, titled '*Sanjay Kumar Vs. Pankaj Devi*', as well as, the petition under Section 25 of the Guardians and Wards Act i.e. GW/06/2024, titled '*Sanjay Kumar Vs. Pankaj*', stand transferred from the Courts at Charkhi Dadri, to the Court of competent jurisdiction at Rewari. The requisite record of the aforesaid cases be sent by the Courts at Charkhi Dadri, to the District and Sessions Judge, Rewari.

Learned District and Sessions Judge, Rewari, shall assign the said petitions to the Court(s) of competent jurisdiction at Rewari. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

23.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No