



TA-139-2026

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

Sr. No.229

TA-139-2026

Date of Decision: 05.05.2026

JYOTI

....Applicant

Versus

ASHOK KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sparsh Chhibber, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/2296/2025, titled '*Ashok Kumar Vs. Jyoti*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Sangrur.

In pursuance of notice issued, the respondent did not make appearance and was proceeded against *ex parte*, vide order dated 23.04.2026.

Counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the *lis*, had taken place on 29.04.2013 and one son born from the said wedlock, who is about 11 years old, is in the care and



custody of the respondent. Unfortunately, matrimonial dispute arose between the parties and applicant is residing separate, at her parental place. The applicant is not having any source of earning. She has filed petition under Section 144 of BNSS, which is pending in the Courts at Sangrur, wherein respondent has been proceeded against *ex parte*. Even, the applicant has filed petition under Section 13 of the Hindu Marriage Act, for seeking divorce, which is also pending in the Courts at Sangrur and the respondent is making appearance in the same. The distance between the two places is stated to be 80 kilometres.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, relating to matrimonial dispute, the Courts generally lean towards the convenience of the wife, but however, the same is not a thumb rule. Various other circumstances, spelt out from the record, ought to be taken into consideration and then, balancing of convenience/inconvenience of the parties concerned, has to be made by the Court.

In the case in hand, the child born from the estranged marriage is about 11 years' old and he is in the custody of the respondent. Though, this is an important factor to be considered, but however, the same cannot be the sole factor, to be considered while adjudicating on this transfer application. The fact remains that the applicant is also having no source of earning. Two other litigation, arising from the broken marriage are already pending in the Courts at Sangrur. Moreover, the respondent had not pursued



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the maintenance petition, wherein he has already been proceeded against *ex parte*.

Considering the aforesaid circumstances and considering about the child, in question, to be not of such age, who requires attendance by his father all the time and above it, the respondent not having come forward to resist the transfer application, the same is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/2296/2025, titled ‘*Ashok Kumar Vs. Jyoti*’, filed by the respondent-husband, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Sangrur. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Sangrur.

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

(ARCHANA PURI)
JUDGE

05.05.2026
Preeti S.

Whether speaking/reasoned : Yes

Whether reportable : Yes/No