



TA-213-2024; CRM-M-20735-2024 AND CRM-M-6457-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.102 (3 cases)

Date of Decision: 16.01.2026

1. TA-213-2024

JYOTI
Versus
....Applicant

RAHUL SINGH
.....Respondent

2. CRM-M-20735-2024

RAHUL @ RAHUL SINGH
Versus
....Petitioner

JYOTI
.....Respondent

3. CRM-M-6457-2025

RAHUL @ RAHUL SINGH
Versus
....Petitioner

JYOTI AND OTHERS
.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI



TA-213-2024; CRM-M-20735-2024 AND CRM-M-6457-2025

Present:- Mr. Balraj Gujjar, Advocate
for the applicant (in TA-213-2024) and
for the respondents
(in CRM-M-20735-2024 and CRM-M-6457-2025).

Mr. Ajay Jain, Advocate
for the respondent (in TA-213-2024) and
for the petitioner
(in CRM-M-20735-2024 and CRM-M-6457-2025).

ARCHANA PURI, J. (Oral)

These are three cases, filed in a matrimonial dispute between
Jyoti and Rahul Singh.

TA-213-2024 has been filed by the applicant-Jyoti, for seeking
transfer of the petition under Section 13 of the Hindu Marriage Act i.e.
DMC/1391/2023, titled '*Rahul Singh vs. Jyoti*', filed by the respondent-
Rahul Singh, pending in the Family Court, Hisar and she seeks transfer of
the same to the Court of competent jurisdiction at Bhiwani.

CRM-M-20735-2024 and CRM-M-6457-2025 have been filed
by the petitioner-Rahul @ Rahul Singh, thereby seeking transfer of the
petition under Section 125 Cr.P.C. i.e. MNT-125/43/2024 and the complaint
under Section 12 of the Protection of Women from Domestic Violence Act
i.e. COMA/20/2024, respectively, filed by the respondent-Jyoti. Both the
said cases are pending in the Courts at Bhiwani and he seeks transfer of the
same, to the Court of competent jurisdiction at Hisar.

In pursuance of the notice issued, respective respondents made
appearance through counsel. Reply has been filed by Rahul-husband, in TA-
213-2024. However, in the other petitions, filed at the instance of Rahul,



TA-213-2024; CRM-M-20735-2024 AND CRM-M-6457-2025

counsel for the wife-Jyoti, had given a statement that the contents of the TA-213-2024, be considered as her reply, for the purpose of disposal of CRM-M-20735-2024 and CRM-M-6457-2025.

Counsel for the parties heard.

For the convenience of the discussion, the facts are taken, as spelt out from TA-213-2024.

At the very outset, it is submitted by the counsel for the applicant-wife that marriage between the parties to the lis, had taken place on 07.03.2019. However, matrimonial dispute arose between the parties, as a result whereof, the parties are residing separate. The applicant has no source of earning. Even, she has filed the petition under Section 125 Cr.P.C., as well as, the complaint under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Bhiwani, at appearance stage. Besides the same, also the counsel submits that the complaint, copy whereof is Annexure A-1, was filed by the applicant-wife, before Superintendent of Police, Bhiwani, for initiation of action against the respondent-husband and his family members, but however, the same has since been filed. As such, a prayer has been made for acceptance of TA-213-2024 and dismissal of CRM-M-20735-2024 and CRM-M-6457-2025.

On the other hand, counsel for the respondent-husband has assiduously submitted that the wife has not come to the Court with clean hands. In fact, she has concealed the material fact, about the birth of twin children i.e. son and daughter, born from this estranged marriage, who are about five years old. Both the children are in the care and custody of the



TA-213-2024; CRM-M-20735-2024 AND CRM-M-6457-2025

respondent-husband. Also, it is submitted that even the distance between the two places is wrongly stated to be 80 kms., whereas, it is only 50-55 kms. Furthermore, counsel submits that all the applications, filed at the instance of the applicant-wife, thereby, asserting about the children to have been forcibly taken away by the respondent-husband, have since been filed by the police authorities. Also, it is submitted that till date, no petition has been filed by the wife, to seek custody of both the children. While taking care of the twins, who are 5 years old, it is submitted that several challenges are faced by the respondent-husband and in the given circumstances, it shall be difficult for him to pursue the divorce petition, in case the same is transferred.

On the similar grounds, the respondent seeks transfer of the petition under Section 125 Cr.P.C., as well as the complaint under Section 12 of the Protection of Women from Domestic Violence Act, which have been filed at the instance of the wife, after the filing of the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that while considering the transfer application, relating to the matrimonial dispute, several factors ought to be taken into consideration. There is no straitjacket formula to be applied, in each and every case, relating to the transfer of the matrimonial litigation. Each case has to be decided in its own factual background. In the case in hand, though the applicant-wife, as such, has given the detail of date of marriage, as well as other litigation between the parties, but however, she has not made any disclosure about two children, born from the said wedlock, who are twins. The said disclosure



TA-213-2024; CRM-M-20735-2024 AND CRM-M-6457-2025

has been made by the respondent-husband, in his reply. Furthermore, the fact of custody of both the children, which fact in itself, has bearing on the decision of the transfer application, was also not disclosed by the wife. The divorce petition was filed, at first instance by the husband and the petition under Section 125 Cr.P.C. and the complaint under Section 12 of the Protection of Women from Domestic Violence Act, have been filed by the wife, later on.

Considering the aforesaid and also taking into consideration, the fact of twin children, born from the wedlock of the parties, who are about 5 years old, being in the care and custody of the husband, it is quite obvious that the husband must be facing various challenges, while upbringing the said children. Pendency/transfer of litigation between the parties, to the residential place of the wife, shall cause much inconvenience, not only to the husband but also to the children, whom he has to care of.

No doubt, the Courts generally lean towards convenience of the wife, but however, various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. As already observed aforesaid, the most weighing factor in the case in hand, is about watching the '*best interest*' of the children, who are twins and 5 years old.

In view of the aforesaid fact situation and considering the '*best interest*' of the children, the transfer application filed by the applicant-wife i.e. TA-213-2024, as such, is hereby dismissed and the transfer petitions i.e. CRM-M-20735-2024 and CRM-M-6457-2025 filed by the petitioner-Rahul

@ Rahul Singh (husband), are hereby allowed. Accordingly, the petition



TA-213-2024; CRM-M-20735-2024 AND CRM-M-6457-2025

under Section 125 Cr.P.C. i.e. MNT-125/43/2024, titled ‘*Jyoti Vs. Rahul Singh*’, as well as the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/20/2024, titled ‘*Jyoti Vs. Rahul and others*’, filed at the instance of respondent-Jyoti (wife), stand transferred from the concerned Courts at Bhiwani, to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid cases be sent by the concerned Courts at Bhiwani, to the District and Sessions Judge, Hisar.

Learned District and Sessions Judge, Hisar, shall assign the said cases to the Courts of competent jurisdiction at Hisar. Even, the parties are directed to appear before the concerned Courts at Hisar, within a period of one month from today onwards.

16.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes/No