



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

Sr. No.103

TA-222-2025

Date of Decision: 20.03.2026

KIRAN

....Applicant

Versus

SURAJ

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kulbhushan Raheja, Advocate
for the applicant.

Mrs. Anupam Bhanot, Advocate
for the respondent.
(Through video conference).

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. DMC/37/2024 titled '*Suraj v/s Kiran*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Ferozepur.

Upon notice issued, the respondent made appearance through counsel and filed reply. However, in view of the contents of the reply, the rejoinder was also filed.

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



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21.04.2021 and one son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she together with her child are totally dependent upon her aged father. Even, she has filed the petition under Section 144 of Bharatiya Nagarik Suraksha Sanhita, which is pending in the Courts at Ferozepur.

On query by the court, counsel was not able to state about the status of the said case, but however, the counsel for the respondent submits that the respondent had not made appearance, in the said case, as yet. The distance between the two places is stated to be about 350 kms.

On the other hand, counsel for the respondent, while making reference to the reply, refutes the claim for transfer. In fact, counsel submits that the applicant is a well qualified woman. She has MCA degree and is also working from home, for some reputed company. Counsel for the respondent further submits that the respondent is ready for amicable settlement, but however, the applicant is not inclined for the same. To establish the bonafide of the respondent, counsel has made reference to Annexure R-1, which is the statement of SBI account of the respondent. While making reference to the same, it is submitted an amounts of Rs.3,000/-, Rs.2,000/-, approximately, have been transferred by the respondent in the account of the applicant. In this regard, counsel makes reference to Annexure R-2, which is the copy of screen shot and it is alleged that the same relates to the account of the applicant.



In view of the submissions made aforesaid, so far as the bonafides of the respondent to effect amicable settlement with the applicant is concerned, counsel has placed reliance upon statements of account (Annexure R-1) as well as screen shot (Annexure R-2). No doubt, from the statements of account, it is evident that an amount of Rs.2,000/-, 3,000/- has been withdrawn, which is stated to be the ATM cash amount. Though, much emphasis has been laid upon the screen shot, copy whereof is Annexure R-2, which relates to the account of the applicant, but there is nothing, as such, coming on record with regard to the account number or any other particulars and only the name, 'Kiran', has come on record, on which account, it is difficult to decipher about the said amounts, being transferred to Kiran. May it be so, even though, the said amounts were transferred, but however, the same are not such, which are sufficient for the decent living of the applicant and her son.

While considering the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration. Each case has to be decided in its own factual background and one distinctive circumstance, may change the fate of the case. Adverting to the case in hand, the most weighing and relevant factor, is about the two years old son, who is in the care and custody of the applicant, while she herself is having no source of earning and is completely dependent upon her aged father, as her mother had already died. Besides the same, there is another case under Section 144 of Bharatiya Nagarik Suraksha Sanhita, pending in the courts at Ferozepur. Therein, as disclosed by the counsel for the respondent, the respondent had not made appearance, though he is having



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the knowledge of the same. This also counters an appeal of bonafide intention, as now asserted to be there to effect amicable settlement. Besides the same, the distance between the two places is about 350 kms. Definitely, the applicant, who is taking care of a toddler, is bound to face many challenges while doing parenting singularly and it shall be difficult for her to pursue the litigation, from a distance of about 350 kms.

Considering the aforesaid circumstances and taking into consideration the inconvenience faced by the applicant, while taking care of the minor child, the present transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/37/2024 titled '*Suraj v/s Kiran*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Ferozepur. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Ferozepur.

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

20.03.2026

Sonu Saini

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No