



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

Sr. No.117

TA-339-2025

Date of Decision: 08.04.2026

RITA RANI

....Applicant

Versus

ARUN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Manoj Kumar Taya, Advocate
for the applicant.

Mr. G.C. Shahpuri, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 11 of the Hindu Marriage Act i.e. HMA/236/2024, titled '*Arun Kumar Vs. Rita Rani*', filed by the respondent-husband, pending in the Family Court, Kapurthala and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri.

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

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 14.12.2023, but no child was born from the said wedlock. However, on



TA-339-2025

account of the matrimonial dispute, the parties are residing separate. The applicant is now residing at her parental place at Yamuna Nagar.

Also, counsel submits that three cases arising from the broken status of marriage i.e. trial relating to FIR bearing No.480 dated 06.12.2024, registered at Police Station Gandhi Nagar, Yamuna Nagar, maintenance petition, as well as the petition under the Protection of Women from Domestic Violence Act i.e. COMA/36/2025, are pending in the Courts at Yamuna Nagar. Respondent is facing trial relating to the aforesaid FIR and he is also making appearance in the other two cases, as well.

On the other hand, counsel for the respondent, while making reference to the reply, submits that litigation, which is pending at Yamuna Nagar, was initiated by the applicant, only after filing of the petition under Section 11 of the Hindu Marriage Act, by the respondent and therefore, the said litigation is initiated, only as a counter-blast.

Even if, it is assumed and presumed that the litigation, initiated at the instance of the applicant, was filed after filing of the petition under Section 11 of the Hindu Marriage Act, which is sought to be transferred, but the same does not amount to be a counter-blast. Silence on the part of one of the spouses, in the estranged marriage, cannot be taken as his/her weakness and his/her conduct, for initiation of litigation thereafter, shall not be considered as a counter-blast, as many a times, one of the spouse remains silent, for making an effort to save the marriage.

Relating to the broken status of marriage, already three litigations are pending in the Courts at Yamuna Nagar, wherein the respondent is making appearance. It is pertinent to mention that respondent



TA-339-2025

is facing trial relating to the criminal case also, wherein, he is required to make appearance on each and every date of hearing. Also, the distance between the two places is 285 kms.

In view of the aforesaid fact situation and also considering the fact of the applicant, not having any source of earning, the transfer application is allowed and the petition under Section 11 of the Hindu Marriage Act i.e. HMA/236/2024, titled '*Arun Kumar Vs. Rita Rani*', filed by the respondent-husband, stands transferred from the Family Court, Kapurthala, to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri. The requisite record of the aforesaid case be sent by the Family Court, Kapurthala, to the District and Sessions Judge, Yamuna Nagar.

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

08.04.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No