



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

Sr. No.115

TA-391-2025

Date of Decision: 20.01.2026

SHILPI KANOJIA

....Applicant

Versus

YASHPAL KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ravi Malhotra, Advocate
for the applicant.

Ms. Saroj Kumari, Advocate for
Mr. Vinod K Kaushal, Advocate
for the respondent.

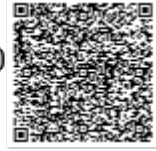
ARCHANA PURI, J. (Oral)

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/120/2025, titled '*Yashpal Kumar v/s Shilpi Kanojia*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

Upon 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 09.08.2014 and two daughters born from the said wedlock, who are in the



age group of 9 and 2 years. Both the said daughters, are in the care and custody of the applicant. The applicant is not having any source of earning and she is dependent upon her parental family. Even, she has filed the petition under Section 144 of Bharatiya Nagarik Suraksha Sanhita as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Jalandhar and the respondent is pursuing both the said petitions. Besides the same, the respondent is also facing trial in the case bearing FIR No.65 dated 30.07.2024 under Section 406/498-A IPC, which is also pending in the courts at Jalandhar.

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 delay in the petition under Section 9 of Hindu Marriage Act.

In view of the aforesaid submissions, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial disputes, various factors are to be taken into consideration.

In the case, in hand, the most weighing factor is about the two daughters, born from the estranged marriage, to be taken care of by the applicant, who herself is having no source of earning. Besides the same, two other petitions, filed at the instance of the applicant, are already pending in the courts at Jalandhar and the respondent is contesting the same. Also, the respondent is facing trial in the criminal case, registered at the instance of the applicant and he is making appearance on each and every date of hearing.

Considering the aforesaid fact situation and more particularly, the criminal case, wherein the respondent is required to make appearance on



TA-391-2025

each and every date of hearing as well as the fact of two daughters born being taken care of by the applicant, the present is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/120/2025, titled ‘*Yashpal Kumar v/s Shilpi Kanojia*, filed by the respondent-husband, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Jalandhar.

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

20.01.2026
Sonu Saini

(ARCHANA PURI)
JUDGE

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