

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****223****TA-495-2024(O&M)****Date of decision: 26.05.2026****Baljinder Kaur****...Petitioner(s)****Vs.****Darninder Paul****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Nitin Verma, Advocate for
Mr. Kinshu Mittal, Advocate
for the petitioner.

*********NIDHI GUPTA, J.**

Prayer in this petition filed by petitioner-wife is for transfer of the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights bearing No.HMA/480/2023 dated 23.08.2023 titled as "Darninder Paul Laggah v/s Baljinder Kaur" (Annexure P-1) from the Court of learned District Judge/Family Court, Shaheed Bhagat Singh Nagar to the Court of competent jurisdiction at District Ludhiana.

2. Respondent was proceeded against ex parte vide order dated 12.03.2026 passed by predecessor Bench. Hence, present Transfer Application is being heard and decided in the absence of the respondent.

3. Learned counsel for the petitioner/wife seeks transfer of the above said Petition filed by the respondent/husband under Section 9 of the Hindu Marriage Act, 1955 (Annexure P-1) *inter alia* on the following grounds:



- i) the parties had solemnized marriage on 28.02.2012;
- ii) two daughters were born out of their wedlock, who are in the care and custody of the petitioner/wife;
- iii) due to matrimonial discord, the parties started living separately since November 2015;
- iv) it is very difficult for the petitioner to undertake travel of 200 kms (both sides) with two minor daughters;
- v) there are already multiple cases pending at Ludhiana which are as under: -

1. Petition bearing No.MNT125/443/2019 for maintenance under Section 125 Cr.P.C. (Annexure P2) dated 16.10.2017.
2. Two Execution proceedings in maintenance case bearing No.MNT125/443/2019 are pending before Family Court/Principal Judge Ludhiana.
3. Application/complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 dated 14.11.2017 (Annexure P6) filed by the petitioner at Ludhiana, which was allowed vide order dated 06.02.2024; and appeal filed by the respondent there-against is also pending at District Courts, Ludhiana;
4. Petition under Section 13 of the Hindu Marriage Act, 1955 filed by respondent for dissolution of marriage pending before District Judge/Family Court, Shaheed Bhagat Singh Nagar, which was transferred to Court of District and Session Judge, Ludhiana vide order dated 22.11.2018 by this Court in TA-115-2018 titled as "Baljinder Kaur Vs Darninder Paul" (Annexure P8) dated 22.08.2017. Said S.13 HMA petition was later withdrawn by the respondent on 18.10.2021 (Annexure P10);



5. FIR No.3 dated 11.01.2019 registered by the petitioner against the respondent under Sections 406 and 498-A IPC at Women Police Station Ludhiana.

4. It is accordingly prayed that the present petition be allowed; and the petition under Section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights bearing No.HMA/480/2023 dated 23.08.2023 titled as “Darninder Paul Laggah v/s Baljinder Kaur” (Annexure P-1) be transferred from the Court of learned District Judge/Family Court, Shaheed Bhagat Singh Nagar to the Court of competent jurisdiction at District Ludhiana.

5. I have heard learned counsel for the petitioner.

6. Besides the facts as noted in para 3 hereinabove, which constitute sufficient grounds for transfer, even the legal position in such like cases is well established inasmuch as, convenience of the wife is to be given greater weightage. In this regard, judgment of the Hon’ble Supreme Court rendered in **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha,” 2022 Live Law (SC) 627**, is notable, wherein it has been held as under:-

“9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking



their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. *Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions."*

7. Further reliance can be placed upon the judgments in **Sumita Singh vs Kumar Sanjay, 2002 SC 396** and **Rajani Kishor Pardeshivs Kishor Babulal Pardeshi, 2005(12) SCC 237**, wherein the Hon'ble Supreme Court has observed that *"while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships."*

8. Even this Court in number of cases has followed the aforesaid principle of law. Accordingly, it is well settled that while considering the transfer of a matrimonial dispute/case, at the instance of the wife, the Court is to consider the family condition of the wife, the custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important the convenience of the wife i.e. she cannot travel alone without assistance of a male member of her family, connectivity



of the place to and fro from her place of residence as well as bearing of the litigation charges and travelling expenses.

9. In view of the judgments i.e. **Sumita Singh's** case (supra), **Rajani Kishor Pardeshi's** case (supra) and **N.C.V. Aishwarya's** case (supra) passed by the Hon'ble Supreme Court, this Court deems it appropriate to allow the present petition, subject to the following conditions: -

a) The Petition under Section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights bearing No.HMA/480/2023 dated 23.08.2023 titled as "Darninder Paul Laggah v/s Baljinder Kaur" (Annexure P-1) is transferred from the Court of learned District Judge/Family Court, Shaheed Bhagat Singh Nagar to the Court of competent jurisdiction at District Ludhiana.

b) The Id. District Judge, Shaheed Bhagat Singh Nagar is directed to transfer complete record pertaining to the aforesaid case to District Judge, Ludhiana.

c) The parties are directed to appear before the District & Sessions Judge, Ludhiana on 16.7.2026.

d) The District Judge, Ludhiana will assign the said petition to the Court of competent jurisdiction.

10. As already noticed above, since the petition is being disposed of in the absence of respondent, accordingly, in these peculiar circumstances, in order to ensure appearance of the parties before the



District Judge, Ludhiana on 16.7.2026, it is directed that a copy of this order be sent to the respondent through registered post, besides sending a copy of this order to the District Judges concerned through e-mail. Petitioner through her counsel, present in the Court, is directed to ensure her appearance accordingly.

11. Present Transfer Application stands **allowed** as above.
12. Pending application(s), if any, stand(s) disposed of.

26.05.2026

Sunena

(Nidhi Gupta)
Judge

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

2026:PHHC:083552

