



TA-503-2025

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

Sr. No.115

TA-503-2025

Date of Decision: 15.01.2026

SONAL GUPTA**....Applicant****Versus****SAHIL BANSAL AND ANOTHER****.....Respondents****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Namit Khurana, Advocate
for the applicant.

Mr. G.C. Shahpuri, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/185/2024, titled '*Sahil Vs. Sonal*', filed by respondent No.1-husband, pending in the Family Court, Moga and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri.

Upon notice issued, respondent No.1, who is the sole contesting respondent, made appearance through counsel and filed reply. However, in view of contents of the reply, as directed by the Court, the applicant had filed rejoinder.



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 14.08.2022. One daughter born from the said wedlock, who is about 2½ 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 as such, is dependent upon her parental family. She has got lodged an FIR bearing No.1065 dated 04.11.2024 at Police Station Yamuna Nagar City, District Yamuna Nagar, wherein challan has been presented and the case is fixed for appearance of respondent No.1. Even, the applicant has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/330/2024, as well as the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/300/2024, which are already pending in the Courts at Yamuna Nagar and respondent No.1 is making appearance in both the said cases. The distance between the two places is stated to be about 260 kms. on one side.

Even though, in the reply, it is asserted at the behest of respondent No.1, about adulterous relationship of the applicant, but however, it is submitted by the counsel for the applicant that it is wrong and falsely so asserted. Further, it is submitted that the applicant, though is stated to be working and filing her Income Tax Returns, but however, in the rejoinder, it is clarified that these Income Tax Returns have been filed at the behest of respondent No.1, though in the name of the applicant. In this regard, counsel has specifically made reference to Annexures P-7 and P-8, thereby



showing that the requisite mobile number is that of respondent No.1 and e-mail address used, relates to father-in-law of the applicant. In the given circumstances, it is submitted that false record is being pleaded, with regard to earnings of the applicant, relating to which, the applicant had herself filed the complaint(s) before the concerned authorities.

On the other hand, counsel for respondent No.1 submits that the conduct of the applicant is not above board. She has falsely asserted herself to be a resident of Yamuna Nagar, though her parents are still residing at Ambala. Counsel has pinpointed about the adulterous relationship of the applicant, as detailed in paragraph No.4 of the reply. He also submits that all the three cases, arising from the matrimonial dispute, have been filed by the applicant, after filing of the divorce petition, at the behest of respondent No.1. Qua working status of the applicant, counsel for respondent No.1 has no explanation about filing of Income Tax Returns, wherein mobile number of respondent No.1 and e-mail address of his father, has been given. Also, it is submitted by the counsel for respondent No.1 that the applicant is a well-qualified, professional person, who can very well pursue the litigation, even if it remains pending at Moga.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that various factors ought to be taken into consideration, while adjudicating on the transfer application relating to the matrimonial dispute. There is no hard and fast rule or straitjacket formula, to be applied, to decide the transfer applications. Each case has to be decided, in its own factual background. Though, there is assertion of



adulterous relationship of the applicant, with respondent No.2, but however, this forms the basis of the divorce petition. Whether there is an element of truth in the said assertion, the same can only be appraised by the Court concerned, while dealing with the divorce petition. Therefore, this Court is keeping a conscious restraint, not to take into consideration about the adulterous relationship, for the purpose of disposal of the transfer application.

So far as working status of the applicant is concerned, much emphasis has been laid upon the Income Tax Returns and the same has been clarified by the applicant in the rejoinder, as detailed aforesaid. Though, the fact of the user of mobile number and the e-mail address of respondent No.1 and his father, respectively, which are mentioned in the Income Tax Returns, can be adjudicated during the course of hearing, in any proceedings between the parties, but anyhow, these Income Tax Returns, in itself, are not sufficient to hold about the applicant to be having any source of earning.

Besides the aforesaid, the most weighing factor, in the present case is about the custody of the daughter, who is about 2½ years old. Though, the applicant is stated to be a well-educated, professional lady, but she is not having any source of earning. Also, she is taking care of the minor girl. Several challenges are bound to be faced by the parent, who takes care of the minor child, more particularly, the girl child. Above it, there are three other litigations, arising from the matrimonial dispute, which are already pending in the Courts at Yamuna Nagar.



In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/185/2024, titled ‘*Sahil Vs. Sonal*’, filed by the respondent-husband, stands transferred from the Family Court, Moga, to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri. The requisite record of the aforesaid case be sent by the Family Court, Moga, 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.

15.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No