



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.220

TA-569-2025

Date of Decision: 27.02.2026

USHA RANI

....Applicant

Versus

RAJPAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nitin Kumar Sharma and Mr. Pawan Attri, Advocates
for the applicant.

Ms. Nisha Rana and Ms. Ashu Rana, Advocates
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/309/2024, titled '*Rajpal Vs. Usha Rani*', filed by the respondent-husband, pending in the Family Court (Camp Court) Derabassi, District SAS Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Kurukshetra.

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



08.03.2007. Two children i.e. one son and one daughter, were born from the said wedlock. The daughter is in the care and custody of the applicant, whereas the son is in the custody of the respondent. The applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT/124/2024, which is pending in the Courts at Kurukshetra and the respondent is making appearance in the same.

Besides the aforesaid, it is submitted that the applicant is a handicapped lady, who suffers from 75% of 'permanent muscular dystrophy' and the Unique Disability ID, in this regard has been issued to her reflecting her disability, copy whereof is Annexure P-3. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 75 kms., to defend the petition under Section 9 of the Hindu Marriage Act, more particularly, while she is taking care of the growing female child.

On the other hand, counsel for the respondent, while making reference to the reply, submits that even the respondent is a handicapped person and he is suffering from 50% disability. In this regard, counsel has made reference to copy of the Unique Disability ID, placed on record. Also, it is submitted that it shall be difficult for the respondent also, to pursue the petition under Section 9 of the Hindu Marriage Act, if so transferred.

In view of the submissions made aforesaid, it is pertinent to mention that unfortunately, both the applicant, as well as the respondent are handicapped persons. Even, two children born from the estranged marriage have been separated. The son is in the custody of the respondent, whereas, the daughter is in the custody of the applicant. While considering the



transfer application relating to the matrimonial dispute, the Courts generally consider various factors, such like, the child born from the wedlock of the parties (if any); which spouse is having the custody of the said child; capacity of such spouse to look after the child; the vocation of the spouses, so on and forth. Thereafter, balancing of the convenience/inconvenience of the parties, is to be done. Taking it to be so, even though, both the applicant, as well as the respondent are handicapped persons, but however, the extent of disability, in case of the applicant is more. Besides the same, other relevant factor, to be considered is about growing female child, to be in the care and custody of the applicant, who herself has no source of earning. Even, one other litigation, arising from this broken marriage is pending in the Courts at Kurukshetra and the same is being pursued by the respondent.

Taking into consideration all the aforesaid circumstances, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/309/2024, titled '*Rajpal Vs. Usha Rani*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Derabassi, District SAS Nagar, to the Court of competent jurisdiction at Kurukshetra. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Derabassi, to the District and Sessions Judge, Kurukshetra.

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



However, considering the fact of respondent also, to be a handicapped person, he always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

27.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No