



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.102

TA-669-2024

Date of Decision: 12.02.2026

NEETU DEVI

....Applicant

Versus

DARPAN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Amit Kashyap, Advocate
for the applicant.

Mr. Himanshu Setia, Advocate for
Mr. Amit Choudhary, 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/3/2024, titled '*Darpan Kumar Vs. Neetu Devi*', filed by the respondent-husband, pending in the Family Court, Fatehabad and she seeks transfer of the same to the Court of competent jurisdiction at Sirsa.

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



21.02.2018. One son born from the said wedlock, who is about 5 years old at present, 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 parents. The respondent is stated to be suffering from HIV infection. The applicant has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Sirsa. The distance between the two places is stated to be about 40 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that even though, the respondent is suffering from HIV, but however, it is a matter of evidence, to be adjudicated before the Court concerned, relating to the impact of the same. Also, counsel submits that the distance is only 40 kms., which shall not cause any inconvenience to the applicant, to pursue the litigation, pending in the Courts at Fatehabad.

In view of the submissions aforesaid, it is pertinent to mention that while considering any transfer application relating to the matrimonial dispute, various factors ought to be taken into consideration and the distance is one amongst the said factors. Besides the same, there are other circumstances, spelt out from the material brought on record, which ought to be taken into consideration. In the case in hand, there is one son born from the estranged marriage, who is about 5 years old and he is in the care and custody of the applicant. As per his age, the said child is bound to be school-going, by this time. The applicant is not having any source of earning and she has also filed the petition under Section 125 Cr.P.C., which



is pending in the Courts at Sirsa. Considering the same, the distance in itself, is not sole ground to be taken into consideration.

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 9 of the Hindu Marriage Act i.e. HMA/3/2024, titled ‘*Darpan Kumar Vs. Neetu Devi*’, filed by the respondent-husband, stands transferred from the Family Court, Fatehabad, to the Court of competent jurisdiction at Sirsa. The requisite record of the aforesaid case be sent by the Family Court, Fatehabad, to the District and Sessions Judge, Sirsa.

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

12.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No