

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****278****TA-599-2025(O&M)****Date of decision: 27.05.2026****Mahima Saini****...Petitioner(s)****Vs.****Ashok Saini & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Rao Ajender Singh, Advocate
for the petitioner.*********NIDHI GUPTA, J.**

Prayer in this petition filed by petitioner-wife under Section 24 read with Section 151 CPC is for transfer of the petition filed by the respondent No.1-husband under Section 13 of the Hindu Marriage Act, 1955 against the petitioner and pro-forma respondent No.2 titled as "Ashok Saini Vs. Mahima Saini & Another" (Annexure P1) from Mahila Court/Women & Children Special Court, Panipat to the Court of competent jurisdiction at Dharuhera, District Rewari.

2. Ld. counsel for the petitioner/wife seeks transfer of the above said Petition filed by the respondent No.1/husband under Section 13 of the Hindu Marriage Act, 1955 (Annexure P-1) *inter alia* on the following grounds:

- i) the parties had solemnized marriage on 12.02.2018;
- ii) one son was born out of their wedlock, who is in the care and custody of the petitioner/wife;



iii) due to matrimonial discord, the parties started living separately since 12.03.2024;
iv) the petitioner is unemployed and has no source of income;
v) it is very difficult for the petitioner to travel distance of 195 kms (one side) from Rewari to Panipat with the minor son.

3. It is accordingly prayed that the present petition be allowed; and the petition under Section 13 of the Hindu Marriage Act, 1955 titled as “Ashok Saini Vs. Mahima Saini & Another” (Annexure P1) be transferred from Mahila Court/Women & Children Special Court, Panipat to the Court of competent jurisdiction at Dharuhera, District Rewari.

4. I have heard learned counsel for the petitioner.

5. Order sheets show that there has been intermittent appearance on behalf of learned counsel for the respondent(s). Today, none has appeared for the respondent. As such, the matter is being heard and decided in the absence of learned counsel for the respondent(s).

6. Besides the facts as noted in para 2 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 13 of Hindu Marriage Act, 1955 titled as "Ashok Saini Vs. Mahima Saini & Another" (Annexure P1) is transferred from Mahila Court/Women & Children Special Court, Panipat to the Court of competent jurisdiction at Dharuhera, District Rewari;
- b) The Id. District Judge, Panipat is directed to transfer complete record pertaining to the aforesaid case to District Judge, Rewari.
- c) The parties are directed to appear before the District & Sessions Judge, Rewari on 16.7.2026.
- d) The District Judge, Rewari 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, Rewari 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.

27.05.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No