



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

Sr. No.221

TA-739-2025

Date of Decision: 23.01.2026

JYOTI

....Applicant

Versus

KAKA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Chetan Goyal, Advocate
for the applicant.

Mr. Dheeraj Kumar, Advocate
for the 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/4/2025, titled '*Kaka Vs. Jyoti*', filed by the respondent-husband, pending in the Family Court, Panchkula and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

Upon 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 27.01.2023. One son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. The applicant is not having any

source of earning. The distance between the two places is stated to be about



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120 kms. Also, it is submitted that there is no other litigation, arising from this matrimonial dispute.

On the other hand, counsel for the respondent, while making reference to the reply, resists the transfer application. In fact, he submits that there is no other litigation, pending between the parties. Also, it is submitted that the distance is not such, which is difficult for the applicant to commute.

In view of the submissions aforesaid, it is pertinent to mention that, while adjudicating on the transfer application relating to the matrimonial dispute, various factors ought to be taken into consideration, such like, educational qualification of the spouses; their source of earning, if there is any child from the wedlock, which spouse is having the custody of the said child; his/her custody to raise the child; the distance between the two places; number of other litigation from the estranged marriage, so on and so forth. However, there is no straitjacket formula for universal application in the transfer applications relating to the matrimonial dispute.

In the case in hand, the most weighing factor is custody of the two years old child, to be with the applicant, who herself has no source of earning.

In view of the aforesaid fact situation and also considering the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/4/2025, titled '*Kaka Vs. Jyoti*', filed by the respondent-husband, stands transferred from the Family Court, Panchkula, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Panchkula, to the District and Sessions Judge, Ludhiana.



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

23.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No