



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

Sr. No.108**TA-942-2024****Date of Decision: 20.01.2026****SARITA****....Applicant****Versus****SONU****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Anu Bala Garg, Advocate
for the applicant.
(Through video conference).

Mr. Rhythem Bajaj, 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 (1) (ia) (i-b) of the Hindu Marriage Act i.e. DMC/217/2023, titled '*Sonu v/s Sarita*', filed by the respondent-husband, pending in the Family Court, Fazilka and she seeks transfer of the same to Family Court (Camp Court), Loharu, District Bhiwani.

Upon notice issued, the respondent made appearance through counsel and filed the 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 03.03.2014 and one son born from the said wedlock, is in the care and



custody of the applicant. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. She has filed petition for seeking maintenance, which was allowed by the court, wherein the court had directed the respondent to make payment for a sum of Rs.3,000/- per month, towards the wife and Rs.2,000/- per month, towards the child. However, the said order, has not been complied with, on which account, the applicant was constrained to file the execution petition i.e. EXE/1/2022, which is pending in the courts at Loharu, District Bhiwani and conditional warrants of arrest has been issued against the respondent. The distance between the two places is stated to be 350 kms.

On the other hand, counsel for the respondent while making reference to the reply submits that the applicant has not come to the court with clean hands. In fact, she has concealed the fact of her source of earning. Also, she is well qualified lady, as she has done M.A. and B.Ed. She also indulged in the sale of ornaments of jewellery, which she is running from her own house. In fact, he submits that the convenience of the wife solely ought not to be taken into consideration.

In view of the submissions made aforesaid, it is pertinent to mention that while considering the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration, only thereupon, convenience/inconvenience of both the sides, is to be considered. Each case has to be decided on its own factual background and there is no straight jacket formula that can be followed in all the cases. One circumstantial difference can lead to a different decision in the transfer application.



In the case in hand, the most weighing factor is about 8 years old son, to be in the care and custody of the applicant. Even though, the applicant had stated about herself to be not having any source of earning, but however, in the reply it is stated that she is running a jewellery shop. However, no material, to so substantiate this indulgence of the applicant, in such business, as such, is coming on record. Suffice to consider for the purposes of disposal of the transfer application about the order of maintenance having passed by the court, thereby asking the respondent to pay a sum of Rs.3,000/- per month to the applicant and Rs.2,000/- per month to the minor child, born from the said wedlock. Despite the order passed by the court, the maintenance, as such, is not being paid, on which account the applicant was constrained to file an execution petition, which is now pending before Family Court, Loharu and conditional warrant of arrest is allegedly issued against the respondent.

Considering the aforesaid and also taking into consideration about the child born from the estranged marriage, to be 8 years old, who is bound to be studying in the school at Loharu and also taking into consideration the distance between the two places, the transfer application is allowed and the petition under Section 13 (1) (ia) (i-b) of the Hindu Marriage Act i.e. DMC/217/2023, titled '*Sonu v/s Sarita*', filed by the respondent-husband, stands transferred from the Family Court, Fazilka, to Family Court (Camp Court), Loharu, District Bhiwani. The requisite record of the aforesaid case be sent by the Family Court, Fazilka, to the District and Sessions Judge, Bhiwani.



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

20.01.2026
Sonu Saini

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No