

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

Sr. No.109

TA-886-2025

Date of Decision: 01.04.2026

MONI YADAV

....Applicant

Versus

PANKAJ KUMAR YADAV

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Davinder Kumar, Advocate for
Mr. P.K.S. Phoolka, Advocate
for the applicant.

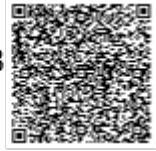
Mr. J.K. Singla and Ms. Suman Rani, Advocates
for the respondent.

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. DMC/87/2025, titled '*Pankaj Kumar Yadav Vs. Moni Yadav*', filed by the respondent-husband, pending in the Family Court, Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Dabwali, District Sirsa.

In pursuance of notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.

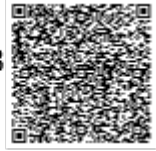


At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 30.01.2011. Two daughters were born from the said wedlock. Elder one is about 12 years old, whereas the younger one is about 5 years old. They are studying in the school at Dabwali. The applicant is taking care of both the said children, even though, she herself is not having any source of earning. As such, she together with her daughters, is dependent upon her parental family. Also, it is submitted that the applicant had filed the petition under Section 9 of the Hindu Marriage Act i.e. HMA/616/2023, petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 i.e. MNT/2039/2025, as well as the guardianship petition i.e. GW/60/2025, which are pending in the Courts at Dabwali, District Sirsa. The distance between the two places is stated to be about 50 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant had filed all the three petitions, after filing of the divorce petition by the husband. As such, they are only a counter-blast. Even, the distance between the two places is stated to be about 40-42 kms.

On query by this Court, both the counsel were not able to state, as to whether the respondent is making appearance in the aforesaid three cases, filed at the instance of the applicant, which are pending in the Dabwali Courts.

In view of the submissions 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 by the Courts



and then some balancing of the convenience/inconvenience of the both the parties has to be done. In the case in hand, most weighing and relevant factor is about two daughters born from the broken marriage, who are in the age group of 5-12 years, to be in the care and custody of the applicant. They are studying in class 6th and nursery, as asserted in the application. Thus, the '*best interest*' of the said children, is prime concern to be considered, more particularly, when the applicant herself is not having any source of earning. Doing the parenting singularly, is of course bound to be challenging for the mother, more particularly, when she herself is dependent upon her parental family. Even though, the distance between the two places is not much, as pointed out by the counsel for the respondent, but however, the distance is one factor, which has to be considered, while watching the interest of the children also, who in the case in hand are school-going.

Besides the aforesaid, even though, the subsequent litigation, initiated at the instance of the applicant is stated to be a counter-blast, but however, the same cannot be considered. When there is a matrimonial dispute, an attempt is always made by one of the spouses, not to initiate the litigation, for the sake of children. Thus, this conduct of remaining silent, till filing of the divorce petition, has to be considered. As such, it cannot be concluded that the litigation has been initiated at the instance of the applicant, only as a counter-blast.

Keeping in view the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e.

DMC/87/2025, titled '*Pankaj Kumar Yadav Vs. Moni Yadav*', filed by the



respondent-husband, stands transferred from the Family Court, Bathinda, to the Court of competent jurisdiction at Dabwali, District Sirsa. The requisite record of the aforesaid case be sent by the Family Court, Bathinda, to the District and Sessions Judge, Sirsa.

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

01.04.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No