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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.113

TA-981-2025

Date of Decision: 30.03.2026

TANU BALA

....Applicant

Versus

VIPIN KHURANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Shreya Rana, Advocate for
Mr. Amrainder Singh, Advocate
for the applicant.

Respondent-in-person, along with
Mr. Rishi Pal Chaudhary, Advocate.

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/630/2024, titled '*Vipin Khurana Vs. Tanu Bala*', filed by the respondent-husband, pending in the Family Court, Jind and she seeks transfer of the same to the Court of competent jurisdiction at Shahabad, District Kurukshetra.

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

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06.07.2012. Two children were born from the said wedlock, one daughter, who was born on 20.05.2014 and one son, who was born on 25.12.2017. Both the said children, on account of matrimonial dispute between the parties, are in the care and custody of the respondent/husband. Further, counsel submits that the applicant is not having any source of earning and as such, is dependent upon her parental family, who are already passing through difficult times, on account of medical ailment of brother of the applicant. Also, counsel submits that the applicant has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Shahabad and the respondent is making appearance in the same. Besides the same, respondent is also facing trial in the Courts at Shahabad, relating to FIR bearing No.1029 dated 28.12.2024, under Sections 323, 406 and 498-A IPC, got lodged by the applicant at Police Station Shahabad, District Kurukshetra.

Furthermore, the counsel submits that after registration of the aforesaid FIR, the respondent got the petition under Section 12, read with Sections 17 to 23 of the Protection of Women from Domestic Violence Act, filed from his mother and the same is pending in the Courts at Jind. However, the applicant has filed the transfer petition i.e. CRM-M-9938-2025, for seeking transfer of the said petition also to the Courts at Shahabad and the same is still pending before the Coordinate Bench. The distance between the two places is stated to be 100 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 is a working woman and the fact of her



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avocation, as such, has not been disclosed in the application. Furthermore, counsel submits that both the children, who are in the age group of 8-12 years, are in the care and custody of the respondent/husband and they are school-going. Also, it is submitted that the respondent is also facing challenges, while doing the parenting singularly, as he has also to look after his aged mother.

On query by this Court, the respondent, who is present in the Court in person, has disclosed that he was earlier doing a banking job and now, he has left the said job. Further, he has disclosed that he is now into the business of property dealing, only to have convenience to look after his children and the aged mother.

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. The most weighing and relevant factor, which is required to be taken into consideration, is about the children born from the estranged marriage. In the case in hand, there are two children born from the marriage, which is on rocks and both the said children are in the age-group of 8-12 years. They are in the custody of the respondent/husband. May it be so. The various other factors coming forth, are also required to be taken into consideration. In the present case, the applicant is not having any source of earning and she is dependent upon her parental family. Also, it is stated about the brother of the applicant to be having serious eye problem, as a result whereof, his eyesight, is almost stated to be 'zero'. Not only this, there are other



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litigations also, arising from this broken marriage, which are pending in the Courts at Shahabad; one is the petition under Section 125 Cr.P.C., wherein the respondent is making appearance; the other is criminal case, relating to FIR bearing No.1029, the particulars whereof are given aforesaid and the respondent is facing trial in the said case, wherein, he is required to make appearance on each and every date of hearing. Even though, there is another case, relating to the petition under the Protection of Women from Domestic Violence Act, filed at the instance of the respondent at Jind, but however, the applicant had filed the transfer petition before the Coordinate Bench, for seeking transfer of the said proceedings.

In view of the aforesaid fact situation, balancing the convenience/inconvenience of both the sides and taking into consideration the fact about the children to be school-going; mother of the respondent to be residing with him, who can take care of the children in the absence of the respondent; two other litigations already pending in the Courts at Shahabad and also considering the distance between the two places, where the divorce petition is pending and where it is sought to be transferred, in the fitness of circumstances, 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. HMA/630/2024, titled '*Vipin Khurana Vs. Tanu Bala*', filed by the respondent-husband, stands transferred from the Family Court, Jind, to the Court of competent jurisdiction at Shahabad, District Kurukshetra. The requisite record of the aforesaid case be sent by the Family Court, Jind, to the District and Sessions Judge, Kurukshetra.

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

30.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No