



TA-986-2025

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

Sr. No.211

TA-986-2025

Date of Decision: 16.01.2026

SHABNAM

....Applicant

Versus

RAJ KUMAR @ SUNNY

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Navneet Singh, Advocate
for the applicant.

Ms. Mamta Saini, 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/1032/2024 titled '*Raj Kumar @ Sunny v/s Shabnam*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Kurukshetra.

Upon notice issued, the respondent made appearance through counsel and submits that the respondent does not intend to file reply to the transfer application, though he contest the same.

Counsel for the parties heard.



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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 24.11.2017 and one son born from the said wedlock, who is about 5 years old, is in the care and custody of the applicant. However, on account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. She has got lodged an FIR No.0732 dated 12.11.2024 and the respondent is facing trial qua the same, in the courts at Kurukshetra.

On the other hand, counsel for the respondent submits that it shall be too harsh for the respondent also, in case the transfer application is accepted, as he is the sole earning member of the family.

In view of the submissions made aforesaid, it is pertinent to mention that while adjudicating on the transfer application, various circumstances spelt out, from the material brought on record, ought to be taken into consideration and then some balancing of the convenience/inconvenience of the parties, ought to be considered.

In the case in hand, the most weighing factor is about the minor child, to be in the care and custody of the applicant, more particularly, while she is not having any source of earning. Also, taking into consideration the fact of the respondent facing trial in the criminal case, pending in the courts at Kurukshetra, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1032/2024 titled '*Raj Kumar @ Sunny v/s Shabnam*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Kurukshetra. The requisite record of the aforesaid case be



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sent by the Family Court, Karnal, to the District and Sessions Judge, Kurukshetra.

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

16.01.2026

Sonu Saini

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No