



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

Sr. No.112

**TA-1030-2025 (O&M)
Date of Decision: 18.02.2026**

AMISHA JINDAL

....Applicant

Versus

ABHISHEK KUMAR JINDAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Varun Sharma, Advocate
for the applicant.

Ms. Roma Gill, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-1188-CII-2026

The present application has been filed at the behest of the applicant, for placing on record rejoinder.

In view of the averments made in the application, same is allowed and the requisite rejoinder is taken on record.

Main case

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/158/2025, titled '*Abhishek Jindal Vs. Amisha Jindal*', filed by the



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respondent-husband, pending in the Family Court, Mansa and she seeks transfer of the same to the Court of competent jurisdiction at Sonapat.

In pursuance of notice issued, the respondent made appearance through counsel and filed reply. Even, rejoinder was filed at the behest of the applicant.

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 11.09.2021. One daughter was born from the said wedlock on 13.01.2023, who is about 3 years old at present. She is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she together with her daughter, is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Sonapat. The respondent is facing trial in the Courts at Sonapat, relating to FIR bearing No.16 of 2013, under Sections 406 and 498-A IPC, got lodged by the applicant at Police Station Women Cell, Sonapat. Also, the applicant had filed a criminal complaint of defamation, which is also pending in the Courts at Sonapat and the respondent is facing trial in the same also. Besides the same, counsel submits that recovery suit was filed by the respondent, against the applicant at Mansa. However, in pursuance of transfer application i.e. TA-1642-2023, filed at the instance of the applicant, the said suit was transferred from Mansa to Sonapat, vide order dated 20.12.2023, copy whereof is Annexure P-3. Now, the said suit is pending in



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the Courts at Sonapat. The distance between the two places is stated to be about 250 kms., on one side. Thus, counsel submits that while having custody of 3 years old daughter, it is difficult for the applicant, to commute such a distance, to defend the divorce petition.

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 well-educated woman, who has done M.Sc. (Interior Designing). Further, it is submitted that she was doing job, before her marriage and later on, a rice mill i.e. Ganga Rice Mills, Barnala Road, Village Nangal Kalan, Mansa, was set up by her in partnership. She is partner in the said firm to the extent of 50% and thus, it is submitted that she is having source of income. In fact, while making reference to paragraph No.7 of the reply, it is submitted that the salary of Rs.75,000/-, profit of Rs.31,877/- and interest on capital amount, to the tune of Rs.3,86,184/-, was received by the applicant. In the light of the same, it is submitted that there is no paucity of finances with the applicant, to pursue the litigation, which is pending at Mansa.

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. Few of the relevant factors are with regard to the educational qualification of the spouses; the vocation followed by them; child born from the wedlock and if so, which spouse is having the custody of the said child; capacity of the said spouse to raise the child; the distance between the two places; the financial capacity of the estranged couple; the convenience of wife; the fact of other



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litigation, arising from the broken marriage and the place, where the same is pending, so on and so forth. However, there is no universal formula, to be applied in case of transfer application relating to the matrimonial dispute. One distinctive circumstance, may change the fate of the case. As such, each case has to be decided in its own factual background.

In the case in hand, the most relevant factor is with regard to one daughter, who is about 3 years old, to be in the care and custody of the applicant, who has alleged about herself to be having no source of earning. No doubt, the applicant is an educated woman, as stated in the reply, which fact is also not disputed by the counsel for the applicant, but however, besides the education, other factors also ought to be taken into consideration. Even though, rice mill is allegedly set up in the name of the applicant, but the same was done after marriage. Though, in the reply it is stated that the applicant has received a salary of Rs.75,000/-, profit of Rs.31,877/- and interest on capital amount, to the tune of Rs.3,86,184/-, but however, no document relating to the same, has come on record. It is a matter of common knowledge that for various purposes to seek tax benefit etc., the family members of the women, do initiate business in their names, but the finances in circulation, on account of such business, do not come in the hands of the woman concerned. More importantly, this ought to be considered that no document has come on record, relating to any receipt of the salary, profit or interest on the capital amount, by the applicant. Also, the distance between the two places is about 250 kms. on one side.

In view of the aforesaid fact situation, more particularly, considering the distance between the two places, watching the '*best interest*'



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of the daughter, who is about 3 years old and requires the personal attention of the mother and considering the various challenges faced by the mother, while doing single parenting, 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/158/2025, titled '*Abhishek Jindal Vs. Amisha Jindal*', filed by the respondent-husband, stands transferred from the Family Court, Mansa, to the Court of competent jurisdiction at Sonapat. The requisite record of the aforesaid case be sent by the Family Court, Mansa, to the District and Sessions Judge, Sonapat.

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

18.02.2026

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No