



TA-1334-2024 (O&M)

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

Sr. No.244

**TA-1334-2024 (O&M)
Date of Decision: 22.01.2026**

SUMAN LATA

....Applicant

Versus

RAHUL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Kritika Mandhan, Advocate for
Mr. K.S. Dhanora, Advocate
for the applicant.

Mr. Vijay Kumar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-14921-CII-2025

Keeping in view the averments made in the application, same is
allowed.

CM-14923-CII-2025

Keeping in view the averments made in the application, same is
allowed.

**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/144/2024, titled '*Rahul Vs. Suman Lata*', filed by the respondent-husband, pending in the Family Court (Camp Court) Kharar, District SAS Nagar 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 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 19.11.2015. One son was born from the said wedlock, who is about 8 years old. On query by this Court, it is disclosed that the said son is in the care and custody of the respondent. Also, it is submitted that on account of this matrimonial dispute, the applicant has filed the petition under the Protection of Women from Domestic Violence Act, as well as the petition under Section 9 of the Hindu Marriage Act, which are pending in the Courts at Kurukshetra and the respondent is pursuing the same. Also, complaint under Sections 313, 323, 377, 406, 498-A, 506 and 120-B IPC and the petition under Section 125 Cr.P.C., are pending in the Courts at Kurukshetra. However, counsel submits that she is not aware about the status of appearance of the respondent in the said cases. Furthermore, it is submitted that the applicant



is not having any source of earning and she is preparing for competitive examinations, to procure a government job.

On the other hand, counsel for the respondent, while making reference to the reply, more particularly, to paragraph No.2 thereof, submits that the conduct of the applicant is such, which debars her from seeking transfer of the divorce petition. In fact, she is having an extra-marital affair with one Amir Khan alias Amir Malik alias Vicky Malik, for the last several years. It is on this account that dispute arose between the parties. Further, it is asserted that father of the applicant is working as 'Process Server' in District Court, Kurukshetra and he has good relations with the staff members of the Court and he will try to influence the judicial officers. Even, the respondent is taking care of the school-going child and his aged mother, who has certain age-related medical issues.

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. Each case has to be adjudicated, in its own factual background. The most weighing factor in the transfer application relating to the matrimonial dispute, to be considered, is birth of the child from the estranged marriage (if any) and which parent is having the custody of the said child. In the case in hand, one son born from the wedlock of the parties, who is about 8 years old, is in the care and custody of the respondent/husband. This factor ought to be considered by the Court, but however, simultaneously, various other circumstances spelt out from the material brought on record, also ought to be



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taken into consideration. The applicant in the present case, is not having any source of earning. Even, she has filed as many as four other litigations, on account of this broken marriage, which are already pending in the Courts at Kurukshetra and two of them are already pursued by the respondent, as disclosed during the course of making submissions.

Even though, it is asserted by the respondent, in the reply, about the father of the applicant to be working as 'Process Server' in District Court, Kurukshetra and having good relations with the staff members of the Court and that he will try to influence the judicial officers, but however, this is a wide allegation levelled by the respondent, as there is no material placed on record to so substantiate. It is not viable about the 'Process Server', who is a Grade-IV employee, to influence the Presiding Officer, dealing with the litigation. As such, these allegations are quite vague and need not be taken into consideration.

In view of the aforesaid fact situation and considering the fact of other litigations already pending in the Courts at Kurukshetra, two of which are pursued by the respondent and also taking into consideration the fact of mother of the respondent living with him, who can very well take care of the child, as and when the respondent is required to make appearance before the Court and in the fitness of circumstances, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/144/2024, titled '*Rahul Vs. Suman Lata*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Kharar, District SAS Nagar, to the Court of competent jurisdiction at Kurukshetra.



The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Kharar, 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.

22.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No