



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.397

TA-1350-2024

Date of Decision: 29.04.2026

RIA

....Applicant

Versus

SHASHI ANAND

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arsh Bir, Advocate
for the applicant.

Mr. Paramjit Singh Bal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-Ria has filed the present application for seeking transfer of the petition under Section 12 of Protection of Women from Domestic Violence Act i.e. COMA/138/2024 dated 31.01.2024, titled '*Shashi Anand v/s Ria*', filed by the respondent, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

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

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the applicant was married to the son of the respondent, namely, Vidhan Bharat Raj Anand, on 04.12.2022. From the said wedlock,



one daughter was born on 30.08.2023, who is in the care and custody of the applicant. On account of matrimonial dispute, the applicant and her husband, are residing separate. The respondent is the mother-in-law of the applicant. On account of matrimonial dispute, the parties are entangled in various rounds of litigation. The applicant also filed the petition under Section 12 of Protection of Women from Domestic Violence Act, which is pending in the courts at Jalandhar and the respondent is also one of the accused/respondent in the said petition. She had made appearance through counsel in the said case. Besides the same, another petition under Section 125 Cr.P.C. for seeking maintenance i.e. MNT125/482/2023, has also been filed by the applicant, which is pending in the courts at Jalandhar and the son of the respondent is making appearance in the same. Furthermore, the applicant had got lodged an FIR, wherein challan has been presented in the courts at Jalandhar and the case is at the stage of framing of charge. The accused in the said case are the son and husband of the respondent.

It is further submitted by the counsel for the applicant that the child is about 3 years old and ever since birth, she is in the care and custody of the applicant. The respondent or her son, have never bothered to pay any maintenance to the applicant. Though, the applicant is stated to be a graduate and having degree of B.Ed. also, but however, she is not working and as such, has no source of livelihood. She, together with the minor daughter, are dependent upon her parental family.

On the other hand, counsel for the respondent while making reference to the reply, submits that the respondent is an aged person. She, together with her husband, are having various medical issues. She has got



knee replaced and is also suffering from Hypertension and Diabetes. Even, her husband had gone through the heart surgery. In this regard, counsel makes reference to the documents of treatment, undergone by the respondent as well as her husband, which are Annexures R-1 and R-2. On account of the age-related ailment, suffered by the respondent and her husband, it is submitted that it will be difficult for the respondent also to pursue the petition, if so transferred.

In view of the submissions aforesaid, it is pertinent to mention that whenever the transfer application relating to the matrimonial dispute, is adjudicated, generally the court lean towards the convenience of the wife, but however, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration and then an attempt is to be made by the courts, to balance the convenience/inconvenience of both the sides.

In the case in hand, the petition which is sought to be transferred has been filed by the mother-in-law of the applicant, namely, Shashi Anand. However, both the applicant as well as respondent, are females and their interest, as such, has to be balanced. The most weighing and relevant factor, to be considered in the case, in hand, is about the daughter born from the estranged marriage. Ever since birth, she is in the care and custody of the applicant. Also, the applicant is not having any source of earning. Even, three other litigation arising from the broken marriage, are already pending in the courts at Jalandhar. It is pertinent to mention that the petition under Section 12 of Protection of Women from Domestic Violence Act, filed at the instance of the applicant, is already



pending in the courts at Jalandhar and the respondent is also one of the accused/respondent in the said petition. On query by the court, it has been disclosed by the counsel for the respondent that respondent, Shashi Anand, is pursuing the said case. Also, the 'best interest' of the child in question, who is about 3 years old, has to be taken into consideration, as he calls for personal care of the mother, all the time.

In view of the aforesaid fact situation, considering the aforesaid three litigation, arising from the estranged marriage, to be already pending in the courts at Jalandhar, more particularly, the fact of the respondent already making appearance in one case, the transfer application is allowed and the petition under Section 12 of Protection of Women from Domestic Violence Act i.e. COMA/138/2024 dated 31.01.2024, titled '*Shashi Anand v/s Ria*', filed by the respondent, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Jalandhar.

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

Taking into consideration the age related medical issues faced by the respondent, she always has an option to file an application, before the court concerned, to make appearance through virtual mode, as and when her presence is required by the court. If any such application is filed, the court

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concerned shall consider the same and pass an appropriate order in the fitness of the circumstances.

29.04.2026
Sonu Saini

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No