



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

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

Sr. No.103 (3 cases)

Date of Decision: 17.04.2026

1.

TA-1367-2024 (O&M)

SUJATA RANI

...Applicant

Versus

MAHABIR PRASAD

.....Respondent

2.

CRM-M-45792-2025

MAHABIR PRASAD

....Petitioner

Versus

SUJATA RANI

.....Respondent

3.

CRM-M-61177-2025 (O&M)

MAHABIR PARSAD

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Varun Veer Chauhan, Legal Aid Counsel
for the applicant (in TA-1367-2014),



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

for the respondent (in CRM-M-45792-2025) and
for respondent No.2 (in CRM-M-61177-2025).

Mr. Aditya Jain and Mr. Kaanan Jain, Advocates
for the respondent (in TA-1367-2024),
for the petitioner (in CRM-M-45792-2025 and
CRM-M-61177-2025).

Mr. Varun Gupta, DAG, Haryana,
for respondent No.1 (in CRM-M-61177-2025).

ARCHANA PURI, J. (Oral)

CM-24107-CII-2025 AND CM-7740-CII-2026 IN TA-1367-2024;

CRM-44471-2025 IN CRM-M-61177-2025

Keeping in view the averments made in the applications, same
are allowed.

Main cases

These are three applications/petitions, filed to seek transfer of
the matrimonial litigation, pending between the parties.

TA-1367-2024 has been filed by the applicant-Sujata Rani/wife,
for seeking transfer of the petition under Section 13 of the Hindu Marriage
Act i.e. DMC/152/2023, titled '*Mahabir Prasad Vs. Sujata Rani*', filed by
the respondent-husband, pending in the Family Court, Bhiwani and she
seeks transfer of the same to the Court of competent jurisdiction at Jhajjar.

CRM-M-45792-2025 has been filed by the applicant-Mahabir
Prasad/husband, for seeking transfer of the petition under Sections 12, 18,
19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act
i.e. DV/71/2018, titled '*Sujata Rani Vs. Mahabir Prasad and others*', filed



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

by the respondent-wife, pending in the Courts at Bahadurgarh and he seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

CRM-M-61177-2025 has been filed by the applicant-Mahabir Prasad/husband, for seeking transfer of the trial, relating to FIR bearing No.370 dated 13.11.2018, under Sections 323, 34, 377, 498-A and 506 IPC, got lodged by the applicant at Police Station Line Par Bahadurgarh, District Jhajjar, i.e. CHI-192-2019, titled '*State of Haryana Vs. Mahabir Parsad and others*'. The said case is also pending in the Courts at Bahadurgarh and he seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

In pursuance of the notice issued, respective respondents made appearance through counsel in all the cases. Even, reply was filed in all the cases. Rejoinder was also filed at the behest of the wife.

Counsel for the parties heard.

For the convenience of discussion, the parties are referred to, as making appearance in TA-1367-2024.

At the very outset, counsel for the applicant has submitted that the marriage of the applicant, with the respondent, had taken place on 28.05.2010. Two children were born from the said wedlock, who are in the age-group of 8-13 years. Both the said children are in the care and custody of the respondent-husband. Further, it is submitted that the applicant is not working and she is entirely dependent upon the financial support provided to her by her family. Even, she had got lodged an FIR bearing No.370 dated 13.11.2018, against the respondent, under Sections 323, 377, 498-A and 506 IPC, at Police Station Line Par, Bahadurgarh and the respondent is facing



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

trial, relating to the said FIR, which is pending in the Courts at Bahadurgarh. Also further, it is submitted that the applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Bahadurgarh. The respondent is making appearance in both the said cases. The distance between the two places is stated to be 100 kms.

Furthermore, counsel submits that the respondent is forcibly retaining the children and he does not allow the applicant to have any interaction with them. As such, a prayer has been made for acceptance of TA-1367-2024 and dismissal of CRM-M-45792-2025 and CRM-M-61177-2025.

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. Though, the date of marriage, as well as birth of two sons born from the estranged marriage is not disputed, but however, it is submitted that in fact, it was only on account of bad conduct of the applicant, that the parties are residing separate. In fact, the counsel submits that behaviour of the applicant, towards the respondent, as well as the minor children, was not appropriate, only on which account, the observations were made by the Court, relating to the same. Also, the distance is stated to be only 80 kms.

Further also, counsel has submitted that the applicant is highly-qualified lady, as she has done M.C.A. and other software courses. Even, she has done B.Ed. It is submitted that she has falsely stated about herself to be not having any source of earning. In fact, the counsel, while making



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

reference to various documents brought on record, submits that the applicant has suppressed her working status. Counsel also submits that the applicant is working as a contractual 'teacher' in Kendriya Vidyalaya, Sector-2, R.K. Puram, New Delhi and the said fact has not been disclosed in the transfer application. In fact, the counsel while making reference to various documents annexed with the petition i.e. CRM-M-45792-2025, submits that the applicant was selected as a part-time/contractual teacher, as per Annexure P-14 and the contract was further extended, for the year 2025, which is evident from Annexure P-15. Also, counsel submits that for the academic session 2024-25, the information of the PGT, Computer Science/Computer Instructor of Kendriya Vidyalaya, Sector 12, Dwarka, New Delhi, was reflected on the website, copy whereof is Annexure P-20. Information received under the Right to Information Act, relating to the vocation followed by the applicant, was also obtained and in this regard, the counsel has also made reference to Annexure P-20 and P-21, annexed with CRM-M-45792-2025.

Further, counsel while making reference to TA-1367-2024, submits that, though, there is a mention made to the pending litigation between the parties, but however, the petition under Section 9 of the Hindu Marriage Act, has since been dismissed by the Court. Even, the guardianship petition, filed by the wife, was dismissed by the Court, vide judgment dated 18.01.2020, while making an observation, with regard to the elder child, not being desirous to stay with the mother and the younger child also remained in the custody of the father, since long. While observing so,



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

the guardianship petition was dismissed. Counsel, while making reference to paragraph No.46 of the judgment dated 19.12.2024, passed in the petition under Section 9 of the Hindu Marriage Act, submits that certain observations were made by the Court, with regard to the respondent i.e. husband, having not withdrawn from the company/society of the applicant, or forced the applicant to stay away from him, without any reasonable cause. In fact, the counsel has submitted that in this very paragraph, even the conduct of the applicant/wife, about causing harassment to the respondent/husband, was noticed, on which account, it was observed that the respondent has a right to refused to join the company of the wife. Such being the conduct of the applicant, a prayer has been made for dismissal of TA-1367-2024 and acceptance of CRM-M-45792-2025 and CRM-M-61177-2025.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that while adjudicating on the transfer application relating to the matrimonial dispute, the Courts lean towards convenience of the wife. 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 balancing of convenience/inconvenience of either spouse, is to be done by the Court.

In the case in hand, the most relevant and weighing factor, to be considered is about two sons born from the estranged marriage, who are in the age-group of 8-13 years, to be in the care and custody of the respondent/husband. Undisputedly, the parties are residing separate since the year 2018. The younger son was 1 year old, at the relevant time. Now,



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

he is about 8 years old. Both the children are studying in the school at Bhiwani. Throughout, much emphasis has been laid by the counsel for the respondent, upon the conduct of the applicant, as observed by the Courts, while adjudicating on the cases relating to the matrimonial dispute between the parties.

Further, emphasis has been laid upon the judgment dated 18.01.2020, passed in guardianship petition, which was filed at the instance of the applicant. The said petition was dismissed by the Court. Particular reference has been made to paragraph No.22 of the judgment. Even further, counsel for the respondent has made reference to judgment dated 19.12.2024, passed by the Court in the petition under Section 9 of the Hindu Marriage Act, filed by the applicant. The said petition was also dismissed. The counsel for the respondent has made particular reference to paragraph No.46 of the said judgment. Even though, reference has been made to specific paragraphs, but however, it shall not be appropriate, for this Court to comment upon the behaviour and conduct of the applicant, as observed in the aforesaid judgments, as the same must have been challenged before various Courts, though, this fact has not been brought to the notice of the Court by either party.

Anyhow, suffice to consider that both the aforesaid petitions were decided against the applicant. Even though, it is the version put forth by the applicant that the respondent not allowing the applicant to meet the children, but however, on the record, it has also come that the applicant had raised allegations of fight having picked up by the respondent, when the



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

applicant had met the children, as per the order passed by the Court. Relating to the same, various observations have come forth, about the allegations to have been found false, on the basis whereof, FIR bearing No.342, under Sections 323, 506 IPC, was cancelled, after investigation by the police.

Not only this, even though, it is the categoric claim of the respondent that the applicant is working, but however, this fact has not been disclosed by the applicant. In fact, it is asserted that the applicant is entirely dependent upon the financial support provided to her by her family. Ample documents have been brought on record by the respondent, showing about indulgence of the applicant in the teaching profession. In fact, the applicant has done post-graduation in computer applications and has also done B.Ed. Also, it is coming forth about the applicant to be working as 'Teacher'. In the light of the aforesaid, suffice to take into account about the applicant to be a well-qualified, professional lady and also indulging in a teaching job. As such, she is bound to be a confident and financially independent woman. The maintenance, which was earlier fixed by the Court, has since been paid by the respondent and the maintenance petition was also withdrawn by the applicant.

In view of the aforesaid facts and circumstances, it is evident that the respondent is facing multiple litigation, initiated at the instance of the applicant and some of the litigation, arising from this matrimonial dispute, has already been decided against the applicant. Taking it to be so, it is pertinent to mention that two children born from the estranged marriage,



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

are residing with the husband, who for the last 6-7 years is taking care of the said children and obviously during the initial stages of the growth of the children, it must have been an arduous task for him, to do the singular parenting and taking care of the litigation.

In view of the aforesaid fact situation **TA-1367-2024**, filed by the wife, is hereby **dismissed**. However, **CRM-M-61177-2025** and **CRM-M-45792-2025**, filed by the husband, are allowed and the petition under Sections 12, 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act i.e. DV/71/2018, titled '*Sujata Rani Vs. Mahabir Prasad and others*', as well as, the trial, relating to FIR bearing No.370 dated 13.11.2018, under Sections 323, 34, 377, 498-A and 506 IPC, got lodged by the applicant at Police Station Line Par Bahadurgarh, District Jhajjar, i.e. CHI-192-2019, titled '*State of Haryana Vs. Mahabir Parsad and others*', stand transferred from the Courts at Bahadurgarh, to the Court of competent jurisdiction at Bhiwani. The requisite records of the aforesaid cases be sent by the Court concerned at Bahadurgarh, to the District and Sessions Judge, Bhiwani.

Learned District and Sessions Judge, Bhiwani, shall assign the said cases, to one and the same Court. Even, the parties are directed to appear before the Court(s) concerned, within a period of one month from today onwards.

If the cases are transferred to one Court, the Court concerned shall make an endeavour to adjourn the cases, preferably for one and the same date.



TA-1367-2024 (O&M); CRM-M-45792-2025 &
CRM-M-61177-2025 (O&M)

Pending civil miscellaneous applications in, for seeking stay of
proceedings, in all the cases, also stand disposed of.

17.04.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No