

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

Sr. No.112

TA-1292-2025

Date of Decision: 25.03.2026

SANJU DEVI

....Applicant

Versus

ROHIT KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Puneet Kumar Bansal, Advocate
for the applicant.

Mr. Yogesh Kumar Aneja, Advocate
for the respondent.

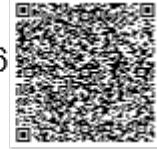
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/1179/2025, titled '*Rohit Kumar Vs. Sanju Devi*', filed by the respondent-husband, pending in the Family Court, Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Ferozepur.

In pursuance of 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 in the month of July, 2012. Three children, one daughter and two sons, were



born from the said wedlock, who are in the age-group of 6-9 years and they are 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. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Ferozepur and the respondent is making appearance in the same. Besides the same, the respondent is facing trial in the Courts at Ferozepur, relating to complaint under Sections 316(1), 85, 3(5) of Bharatiya Nyaya Sanhita, 2023. The distance between the place of residence of the applicant and Bathinda, is stated to be about 100 kms.

On the other hand, counsel for the respondent submits that it shall be inconvenient for the respondent also, if the transfer application is accepted.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute. However, it 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 the convenience/inconvenient of the parties has to be made by the Court.

In the case in hand, the most weighing and relevant factor is about the three minor children, one of whom is a female child, to be in the care and custody of the applicant, who herself is not having any source of earning. Besides the aforesaid, two other cases, arising from the estranged marriage, are pending in the Courts at Ferozepur, more particularly, the



criminal case, wherein the respondent is required to make appearance on each and every date of hearing.

In view of the aforesaid fact situation and above it, considering the distance between the two places to be about 100 kms., the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/1179/2025, titled '*Rohit Kumar Vs. Sanju Devi*', filed by the respondent-husband, stands transferred from the Family Court, Bathinda, to the Court of competent jurisdiction at Ferozepur. The requisite record of the aforesaid case be sent by the Family Court, Bathinda, to the District and Sessions Judge, Ferozepur.

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

25.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No