



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

Sr. No.119

TA-1299-2025 (O&M)

Date of Decision: 19.03.2026

SARIKA RANI

....Applicant

Versus

ASHWANI KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Dheeraj Narula, Advocate
for the applicant.

Mr. Deepak Aggarwal, Advocate
for the respondent
(through video conferencing).

ARCHANA PURI, J. (Oral)

CM-1715-CII-2026

The present application has been filed at the behest of the respondent, for placing on record reply to the transfer application.

In view of the averments made in the application, same is allowed and the requisite reply 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. DMC/1185/2025, titled '*Ashwani Kumar Vs. Sarika Rani*', 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 Ellenabad, District Sirsa.

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 on 17.08.2017. One daughter was born from the said wedlock, who is in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. She is a housewife and as such, together with her daughter, she is totally dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. in the Family Court (Camp Court) Ellenabad, District Sirsa, wherein the respondent, at first instance, was proceeded against *ex parte*. However, after filing of the transfer application, he has filed an application for seeking setting aside of the *ex parte* proceedings and the same is pending adjudication before the Court concerned.

Furthermore, it is submitted that the daughter of the applicant is not having proper state of health. She suffers from seizures, on account of brain disorder. In this regard, counsel has made reference to Annexure P-3, which is testing lab recommendation, made for medico-legal purposes, wherein it is so stated.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant has not disclosed her



financial status in the application, as it is not stated whether she is working or not. Furthermore, it is submitted that in case the presence of the applicant is required before the Court concerned, the respondent shall be bearing the litigation expenses.

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 by the Court. Each case has to be decided in its own factual background and one distinctive circumstance may change the fate of the case. In the case in hand, the most weighing and relevant factor to be considered is about the 6 years old daughter, to be in the care and custody of the applicant, more particularly, when she herself is not having any source of earning. Though, it is submitted by the counsel for the respondent and also so asserted in the reply, about the applicant to have not disclosed about her working status, but however, it is palpably wrong assertion. In fact, in the application itself, the applicant has categorically stated about herself to be a housewife and dependent upon her parental family.

In view of the aforesaid fact situation and taking into consideration the fact about the applicant taking care of the minor daughter, who is not having proper state of health, on account of seizures as an outcome of brain disorder and also considering the fact of another case i.e. the maintenance petition, arising from the estranged marriage, already pending in the Courts at Ellenabad, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e.

DMC/1185/2025, titled '*Ashwani Kumar Vs. Sarika Rani*', filed by the



respondent-husband, stands transferred from the Family Court, Bathinda, to the Court of competent jurisdiction at Ellenabad, District Sirsa. The requisite record of the aforesaid case be sent by the Family Court, Bathinda, to the District and Sessions Judge, Sirsa.

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

19.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No