



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.111 (2 cases)

Date of Decision: 13.02.2026

1. TA-1492-2025

MONIKA

....Applicant

Versus

RANBIR SINGH

.....Respondent

2. TA-30-2026

RANBIR SINGH

....Applicant

Versus

MONIKA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Baljeet Beniwal, Advocate
for the applicant (in TA-1492-2025) and
for the respondent (in TA-30-2026).

Mr. Ramneek Vasudeva, Advocate
for the respondent (in TA-1492-2025) and
for the applicant (in TA-30-2026).



ARCHANA PURI, J. (Oral)

These are two rival applications, filed by the wife and husband, for seeking transfer of the litigation, pending between them.

TA-1492-2025 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/306/2024, titled '*Ranbir Singh Vs. Monika*', filed by the respondent-husband, pending in Family Court, Panipat and she seeks transfer of the same to the Court of competent jurisdiction at Hansi, District Hisar.

TA-30-2026 has been filed by the applicant-husband for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/75/2025, titled '*Monika Vs. Ranbir Singh*', filed by the respondent-wife, pending in Family Court (Camp Court) Hansi, District Hisar and he seeks transfer of the same to the Court of competent jurisdiction at Panipat.

In pursuance of the notice issued, respondents made appearance through counsel in respective applications. Even, reply was filed at the behest of the husband, relating to TA-1492-2025. However, counsel for the wife has given a statement in TA-30-2026 that the transfer application i.e. TA-1492-2025, filed at the instance of the wife, be considered as reply, in the said application.

Counsel for the parties heard.

For the convenience of discussion, the reference shall be made to the parties hereinafter, as making appearance in TA-1492-2025.



It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 09.04.2007. From the said wedlock, one daughter was born, who is about 16 years old and she is in the care and custody of the respondent/husband. However, on account of the matrimonial dispute, the parties are residing separate. Further, it is submitted that the distance between the two places, where the divorce petition is pending and where it is sought to be transferred, is about 130 kms. The applicant is not having any source of earning. As such, it is submitted that it is difficult for her to commute such a distance, to defend the divorce petition. Furthermore, it is submitted that there is another petition for seeking maintenance, filed at her instance, which is pending in the Courts at Hansi, at appearance stage. As such, a prayer has been made for acceptance of TA-1492-2025 and dismissal of TA-30-2026.

On the other hand, counsel for the respondent submits that the applicant has not come to the Court with clean hands. In the application, there is assertion made about the petition under Section 12 of the Protection of Women from Domestic Violence Act, to have been filed and the same to be pending at Hansi. However, there is no such petition filed, or pending before the Courts. Also, it is submitted that the child in question is about 16 years old and she is a student of 9th class in Cambridge Fields Global School, situated in Panipat. In this regard, counsel has drawn the attention of this Court to the certificate issued by the school, copy whereof is Annexure R-1. Counsel further submits that the respondent is working as a driver and is having a



humble salary only. Even, he is suffering from CAD (Coronary Artery Disease), for which he had also undergone surgical intervention and two stents have been inserted. In the light of the same, it is submitted that it is difficult for the respondent also, to take care of the grown up daughter and also pursue the litigation at Hansi, District Hisar. On this account, he has made a prayer for transfer of the petition under Section 9 of the Hindu Marriage Act, which is pending in the Courts at Hansi. Also, a prayer has been made for dismissal of TA-1492-2025.

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 decided in its own factual background. There is no hard and fast or straitjacket formula, to be adopted for deciding such transfer applications. In the case in hand, the most weighing factor is about the daughter born from the broken marriage, who is about 16 years old, to be in the care and custody of the respondent/husband. She is a student of 9th class in the school at Panipat. Her prime interest has to be watched by the Court and it has to be placed above the convenience/inconvenience of the estranged couple. This is the prime factor to be considered in the present transfer applications. Besides the same, the respondent is also having a heart ailment. Though, the counsel for the applicant/wife submits that now, the respondent is hale and hearty, but however, the fact remains that he is having a heart problem. As such, the same also has to be taken into consideration.



Not only this, even the conduct of the wife has to be seen. Even though, there is specific assertion made in the application about the petition under Section 12 of the Protection of Women from Domestic Violence Act, to have been filed, which is pending in the Courts at Hansi, but however, on being pinpointed by the counsel for the respondent, about no such petition to have been filed, or pending, counsel for the applicant has conceded that it was not so filed. Thus, it was also a wrongful projection, made on the part of the wife.

In view of the aforesaid fact situation, the prime consideration is to watch the '*best interest*' of the daughter born from the broken marriage, who is passing through the crucial age for the settlement in life and on this account, the inconvenience of either of the spouses, cannot be put above her interest. As such, the transfer application i.e. TA-1492-2025, filed at the instance of the wife, is hereby dismissed. However, the transfer application i.e. TA-30-2026, filed at the instance of the husband, is hereby allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/75/2025, titled '*Monika Vs. Ranbir Singh*', filed by the respondent-wife, stands transferred from the Family Court (Camp Court) Hansi, District Hisar, to the Court of competent jurisdiction at Panipat. The requisite record of the transferred case be sent by the Family Court (Camp Court) Hansi, to the District and Sessions Judge, Panipat.

Learned District and Sessions Judge, Panipat, shall assign the said petition to the Family Court, Panipat. Even, the parties are directed to appear



before the Family Court, Panipat, within a period of one month from today onwards.

However, the parties have an option to file an application before the Court concerned, for making appearance, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

13.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned

Whether reportable

:

:

Yes

Yes/No