



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

245

(i) TA-1606-2024 (O&M)

Manmeet Kaur Pasricha
...Applicant

VERSUS

Bikramjeet Singh Pasricha and another
...Respondents

(ii) TA-358-2025 (O&M)

Manmeet Kaur Pasricha
...Applicant

VERSUS

Bikramjeet Singh Pasricha
...Respondent

Date of Decision: January 21, 2026

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Pawandeep Singh, Advocate
for the applicant.

Mr.Sandeep Arora, Advocate
for the contesting respondent.

ARCHANA PURI, J.

The applicant-wife has filed these two transfer applications, for
seeking transfer of the pending litigation between the parties.

TA-1606-2024 has been filed for seeking transfer of the petition under

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Sections 6 and 13 of the Hindu Minority & Guardianship Act, read with Sections 7, 8 and 26 of the Guardian and Wards Act, bearing No.GW-192-2024 and TA-358-2025 has been filed for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, bearing No.HMA-52-2024, both filed by the respondent-husband, pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar, Mohali.

In pursuance of the notice issued, the contesting respondent made appearance through counsel and filed respective replies.

Learned counsel for the parties heard.

For the convenience of discussion, the facts are taken from TA-358-2025.

At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis had taken place on 23.03.2014 and one son, born from the said wedlock, who is aged about 9 years, at present, is in the care and custody of the applicant. The applicant herself is also a teacher by profession and she is working in Vidya Valley Senior Secondary School, SAS Nagar, Mohali and the child is also a student of Class-I in Shemrock Primary School, SAS Nagar, Mohali. In the given circumstances, it shall be difficult for the applicant also to pursue both the litigation, which are pending in the Courts at Jalandhar.

Moreover, the applicant has also got lodged FIR No.144 dated 12.10.2024 under Sections 406 and 498-A IPC, at Police Station Women Cell, SAS Nagar, Mohali. Learned counsel for the applicant submits that at the time of filing of the application, the said FIR was pending investigation,

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but however, after culmination of the investigation, the challan has since been presented and the respondent is making appearance in the same and it is at the stage of framing of the charge. Considering the litigation already pending and also the distance between the two places to be 150 kms. and the fact of the child to be in the custody of the applicant, a prayer has been made for acceptance of the transfer application.

On the other hand, learned counsel for the respondent, while making reference to the reply submits that on account of wrongful conduct of the parents of the applicant, who took away the child in deceitful manner, while he was in the school and thus, the applicant is not entitled to seek transfer of the pending litigation. Moreover, she is a working woman and can very well pursue the litigation, if it remains pending at Jalandhar.

In view of the submissions aforesaid, it is pertinent to note that while adjudicating the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration, such like, educational qualification of the spouses, their source of earning and if any child is born from the wedlock, which spouse is having the custody of the child and his/her financial capability to take care of the child, the distance between the two places, convenience/inconvenience of the parties etc., so on and so forth. However, no straitjacket formula of universal application can be applied, while considering the transfer application of matrimonial dispute. Each case has to be adjudicated, in its own factual background.

In the case in hand, though much emphasis has been laid upon the applicant to be well educated and working as teacher, but however, this is one aspect, which ought to be taken into consideration. The most

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weighing factor, in the case in hand, is about the applicant having custody of the minor child, who is stated to be student of Class I, at the time of filing of the application. The *best interest* of the child ought to be taken into consideration. Even though, it is submitted that the child was taken away in a deceitful manner by the parents of the applicant, but however, this version, as such, cannot be commented upon in the transfer application, as it forms the subject matter of the guardianship petition, which is pending before the concerned Court.

Considering the same and also considering the fact of criminal case already pending in the Courts at SAS Nagar, Mohali, wherein, challan has been presented and respondent is making appearance in the same and the trial is about to begin, wherein, he would be required to make appearance on each and every date of hearing, it is just and expedient to accept the transfer applications.

Hence, both the transfer applications are allowed and the petitions under Sections 6 and 13 of the Hindu Minority & Guardianship Act, read with Sections 7, 8 and 26 of the Guardian and Wards Act, bearing No.GW-192-2024 and under Section 9 of the Hindu Marriage Act, bearing No.HMA-52-2024, both filed by the respondent-husband, stand transferred from the Courts concerned at Jalandhar, to the Court of competent jurisdiction at District SAS Nagar, Mohali. The requisite record of the aforesaid case be sent by the Courts concerned at Jalandhar to the District and Sessions Judge, SAS Nagar, Mohali.

Learned District and Sessions Judge, SAS Nagar, Mohali shall assign the said petitions to the Courts concerned at SAS Nagar, Mohali.



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Even, the parties are directed to appear before the Courts concerned, within a period of one month from today onwards.

January 21, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No