

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

146

TA-1654-2025 (O&M)

Date of decision: 26.05.2026

Himani Madaan

...Petitioner(s)

Vs.

Money Madaan @ Manni @ Manish

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

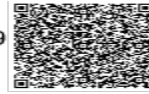
Present:- Mr. Puneet Bhushan, Advocate and
Mr. Apurav Kamboj, Advocate
for the petitioner.

NIDHI GUPTA, J.

Prayer in this petition filed by petitioner-wife under Section 24 of Civil Procedure Code, 1908 is for transferring the Petition filed by respondent/husband titled as "Money Maddan Vs. Himani Madaan" under Section 25 of the Hindu Guardians & Wards Act read with Section 6 of Hindu Minority and Guardianship Act (Annexure P-4) from the court of Ld. Additional Principal Judge, Family Court, Jagadhri to any other Court of competent jurisdiction at District Ludhiana.

2. Order sheets reveal that none has appeared on behalf of the respondent on the last date of hearing. Even today, none has appeared for the respondent. As such, the matter is being heard and decided in the absence of the respondent.

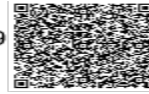
3. Ld. counsel for the petitioner/wife seeks transfer of the above said Petition filed by the respondent under Section 25 of the Hindu



Guardians & Wards Act read with Section 6 of Hindu Minority and Guardianship Act (Annexure P-4) *inter alia* on account of the following grounds: -

- that the petitioner was married to the respondent/husband on 10.12.2009;
- that out of the wedlock of the parties, 3 children namely, Anayat (daughter, 15 years), Anaisha (daughter, 8 years) and Kriyansh (son, 5 years) were born, who are in the care and custody of the petitioner;
- that due to matrimonial discord, parties are residing separately since 26.01.2025;
- that distance between Family Court, Jagadhri to Family Court, Ludhiana is about 164 k.m. Petitioner is unemployed and has no source of income and is also single handedly looking after 3 children. Therefore, the petitioner cannot travel distance of 164 k.m. from Ludhiana to Jagadhri;
- moreover, mother of the petitioner has recently suffered paralysis attack and is completely bedridden and petitioner is her sole care giver.
- Petitioner is also facing threat perception from the respondent;
- that there are 2 cases already pending before the Court of competent jurisdiction at Ludhiana, in which the respondent is appearing, the same being:
 - (a) FIR No. 75 dated 05.08.2025 under Sections 315(2), 85 BNS, registered at Police Station Women, District Police Commissionerate, Ludhiana;
 - (b) MNT125/256/2025 under Section 144 of the BNSS, 2023 pending adjudication before the Ld. Principal Judge, Family Court Ludhiana; and

4. It is accordingly prayed that on account of the above said reasons, the present Transfer Application be allowed; and the Petition filed

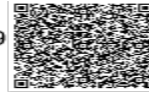


by the respondent under Section 25 of the Hindu Guardians & Wards Act read with Section 6 of Hindu Minority and Guardianship Act (Annexure P-4) pending before the Family Court, Jagadhri be transferred to Family Court, Ludhiana, District Ludhiana.

5. No other argument has been made on behalf of learned counsel for the petitioner. I have heard learned counsel for the petitioner and have perused the case file in detail. I find merit in the submissions advanced on behalf of the petitioner.

6. Besides the facts as noticed herein above in para 3, which constitute sufficient grounds for transfer, the legal position in such like cases is well established inasmuch as, convenience of the wife is to be given greater weightage. In this regard, judgment of the Hon'ble Supreme Court rendered in **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha," 2022 Live Law (SC) 627**, is notable, wherein the Hon'ble Supreme Court has held as under:-

"9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeco-

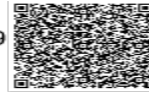


conomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. *Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”*

7. Further reliance can be placed upon the judgments in **Sumita Singh vs Kumar Sanjay, 2002 SC 396** and **Rajani Kishor Pardeshivs Kishor Babulal Pardeshi, 2005(12) SCC 237**, wherein the Hon’ble Supreme Court has observed that *“while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.”*

8. Even this Court in number of cases has followed the aforesaid principle of law. Accordingly, it is well settled that while considering the transfer of a matrimonial dispute/case, at the instance of the wife, the Court is to consider the family condition of the wife, the custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important the convenience of the wife i.e. she cannot travel alone without assistance of a male member



of her family, connectivity of the place to and fro from her place of residence as well as bearing of the litigation charges and travelling expenses.

9. In view of the judgments i.e. **Sumita Singh's** case (supra), **Rajani Kishor Pardeshi's** case (supra) and **N.C.V. Aishwarya's** case (supra) passed by the Hon'ble Supreme Court, this Court deems it appropriate to allow the present petition, subject to the following conditions:-

- a) The petition (Annexure P-4) filed by respondent/ husband under Section 25 of the Hindu Guardians & Wards Act read with Section 6 of Hindu Minority and Guardianship Act (Annexure P-4) is transferred to a Court of competent jurisdiction at District Ludhiana.
- b) The learned District Judge, Jagadhri is directed to transfer complete record pertaining to the aforesaid case to District Judge, Ludhiana, Punjab.
- c) The parties are directed to appear before the District Judge, Ludhiana, Punjab on 16.07.2026.
- d) The District Judge, Ludhiana, Punjab will assign the said petition to the Court of competent jurisdiction.

10. The concerned Court at Ludhiana will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

11. The Court concerned, where the litigation is pending between the parties, will accommodate them with one date in one calendar month.

12. I am supported by the decisions rendered by a Co-ordinate Bench of this Court in **TA No. 1315/2022, Rohini Arora v Nitin Talwar; TA**



No. 1322 of 2022, Jaswinder Kaur v Gurvinderjeet Singh; and TA No. 1323 of 2022, Usha Rani v Karmajit Singh.

- 13. The present petition stands **disposed of**, in the above terms.
- 14. Pending applications, if any, also stand dismissed.

26.05.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No