



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

Sr. No.253

TA-1712-2025

Date of Decision: 19.02.2026

RITU DEVI

....Applicant

Versus

SUNIL KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pearl Narang and Mr. Ravinder Kumar, Advocates
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 15.01.2026,
despite service, the respondent did not make appearance on that date. Even
today, he has not made appearance. As such, the respondent is proceeded
against *ex parte*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking
transfer of the petition under Section 13 of the Hindu Marriage Act i.e.
HMA/285/2025, titled '*Sunil Kumar Vs. Ritu*', filed by the respondent-
husband, pending in the Family Court, Jind and she seeks transfer of the
same to the Court of competent jurisdiction at Kaithal.



It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 10.12.2015. However, matrimonial dispute arose between the parties, as a result whereof, they are residing separate. There are two daughters born from the said wedlock. The elder daughter, who is about 9 years old, is in the care and custody of the respondent, whereas, the younger one, who is aged about 7 years, is in the care and custody of the applicant. The applicant is not having any source of earning and is dependent upon her parents, who are labourers. Furthermore, it is submitted that the applicant has filed the petition under Section 125 Cr.P.C. i.e. MNT/27/2022, which is pending in the Courts at Kaithal and the respondent is pursuing the same. Moreover, it is submitted that the respondent is working as a 'Constable' in Indo-Tibetan Border Police.

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, such like, the educational qualification and earning capacity of the estranged couple; vocation followed by them; if any child is born from the broken marriage, which spouse is having the custody of the said child; capacity of such spouse to raise the child; distance between the two places; convenience of the witnesses, so on and so forth. However, each case has to be decided in its own factual background and there is no formula of universal application, for adjudicating on the transfer applications.

In the case in hand, the most weighing factor is about two children born from the said wedlock, to be unfortunately separated from the



either parent, as well as the sibling. The elder daughter, who is about 9 years old, is in the care and custody of the respondent, whereas, the younger daughter, who is about 7 years old, is in the care and custody of the applicant. Besides the same, it is necessary to note that the applicant is not having any source of earning and she, together with the minor daughter, who is residing with her, is dependent upon her parents, who are stated to be labourers. Considering the same, it is also necessary to note that the respondent is allegedly serving as a 'Constable' in Indo-Tibetan Border Police. Keeping in view the employment of the respondent, obviously, he is financially affluent, as compared to the applicant and is in a better position to pursue the litigation.

In view of the aforesaid fact situation, more particularly, considering the fact about the applicant, having paucity of funds, as compared to the respondent, as she is not having any source of earning and taking into consideration the fact of applicant taking care of one of the minor daughter, born from the estranged marriage and above it, considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/285/2025, titled '*Sunil Kumar Vs. Ritu*', filed by the respondent-husband, stands transferred from the Family Court, Jind, to the Court of competent jurisdiction at Kaithal. The requisite record of the aforesaid case be sent by the Family Court, Jind, to the District and Sessions Judge, Kaithal.



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

19.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No