



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

TA-93-2026

Date of Decision: 13.05.2026

Reha

....Petitioner

Versus

Amit Kumar

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Navmohit Singh, Advocate for the petitioner.

None for the respondent.

NIDHI GUPTA, J. (ORAL)

1. By way of filing the present petition, the petitioner-wife is seeking transfer of petition filed by respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short-‘the Act’) bearing No. HMA/40/2025 (Annexure P-1) titled as ‘Amit Kumar vs. Reha’ pending before the learned Family Court, Camp at Nangal, District Rupnagar to a Court of competent jurisdiction at Panchkula.

2. Though notice has been served upon the respondent but no one is appearing on his behalf today as well as on the last date of hearing as well. Accordingly, this petition is being decided in his absence.

3. Learned counsel for the petitioner, *inter alia*, submits as under:

- i) that the parties solemnized marriage on 20.04.2023.
- ii) that one daughter is born out of the said wedlock on 07.09.2025 who is presently 08 months old and is in the care and custody of the petitioner-wife.



- iii) that due to matrimonial discord the parties are living separately. The petitioner along with the minor daughter is residing at Kalka.
- iv) that there are 03 cases filed by the petitioner-wife which are pending adjudication before the Courts at Kalka, District Panchkula, which are as under:-
 - (a) Petition under Section 125 Cr.P.C. bearing No. MNT-125-13-2025 (Annexure P-2).
 - (b) Second petition under Section 125 Cr.P.C. filed on behalf of minor daughter bearing No. MNT-125-100-2025 (Annexure P-3); and
 - (c) Complaint under the provisions of the Protection of Women from Domestic Violence Act, bearing No. COMA/1/2026 (Annexure P-4).
- v) that petitioner has no independent source of income and the respondent-husband is not paying anything to the petitioner or the minor child towards maintenance.
- vi) that distance between the place of Nangal to Kalka is about 90 kilometers on one side. As such, it is difficult for her to undertake frequent travel for the case from Kalka to Nangal along with minor child.

4. It is on these grounds that petitioner prays for transfer of the case, as detailed in para 3 above.

5. No other argument has been raised on behalf of the petitioner. I have heard learned counsel and carefully gone through the



case file. In view of the undisputed facts as noted above, I find merit in the submissions advanced on behalf of the petitioner.

6. Besides the facts as noticed hereinabove, which constitute sufficient grounds for transfer, the legal position in such like cases is well established. 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 socioeconomic 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-1) filed by respondent-husband under Section 13 of Act, bearing No. HMA/40/2025 (Annexure P-1) titled as ‘Amit Kumar vs. Reha’ pending before the learned Family Court, Camp at Nangal, District Rupnagar to a Court of competent jurisdiction at Panchkula.



- b) The learned District Judge, Rupnagar is directed to transfer complete record pertaining to the aforesaid case to District Judge, Panchkula.
- c) The parties are directed to appear before the District Judge, Panchkula on **15.06.2026**.
- d) The District Judge, Panchkula will assign the said petition to the Court of competent jurisdiction.

10. The concerned Court at Panchkula 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 application(s), if any, shall also stand disposed of.

13.05.2026
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No