



TA-308-2024 (O & M)

1

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

144

**CM-9871-CII-2026 in/and
Transfer Application No.308 of 2024 (O & M)
Date of decision :-12.05.2026**

Neha Gupta**.....Applicant****Versus****Rohit Gupta****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Nakul Sharma, Advocate
for the applicant.

Mr. Amit Arora, Advocate
for the respondent.

NIDHI GUPTA J. (Oral)**CM-9871-CII-2026**

Prayer in this application is for placing on record Annexures P-6 to P-15 and for exemption from filing true typed/certified/translated/photocopy of Annexures P-6 to P-15.

Allowed as prayed for.

TA-308-2024 (O & M)

1. The present transfer application has been filed by the applicant-wife seeking transfer of the case bearing HMA/34/2024 (Annexure P-1) titled as “Rohit Gupta vs. Neha Gupta” from the Court of learned Principal Judge, Family Court, Tarn Taran to the competent Court of jurisdiction at Family Court, Ludhiana or its camp at Khanna.

2. Learned counsel for the applicant submits that the applicant was married to the respondent on 06.9.2008. One daughter was born out of their wedlock on 24.10.2013, who is presently in the care and custody of



the applicant. In 2018 the parties alongwith their daughter had moved to Australia, where, matrimonial dispute arose between the parties. In Australia, the applicant had filed the Child Support, which was not given by the respondent. The applicant and the respondent had taken a joint home loan, which was also being paid by the applicant as the respondent has stopped paying the loan installments. Ultimately, in December 2023, the respondent came to India and in January 2024, he promptly filed the instant petition under Section 13 of the Hindu Marriage Act (hereinafter called 'the Act').

3. Learned counsel for the applicant submits that the said petition under Section 13 of the Act has been filed by the respondent through his Power of Attorney holder i.e. his brother-in-law. The respondent himself is residing and working in Bangalore. The applicant is also appearing before the learned Family Court, Tarn Taran through her Power of Attorney holder i.e. her father, as the applicant is presently residing in Australia alongwith her daughter. It is submitted that the father of the applicant is suffering from cancer and therefore is unable to travel the distance of 182 kilometers between Ludhiana, where he used to reside; and the Family Court at Tarn Taran. The mother of the applicant had also expired due to cancer. As such, father of the applicant lives by himself and is unable to handle the litigation at Family Court Tarn Taran.

4. It is submitted that as the applicant was unable to pay the installments of the home loan alone, she had moved an application (Annexure P-12) before the Family Court at Australia for selling the house at Australia, so that the applicant may got some funds. In the said application the notice was issued to the respondent, to which the respondent, vide e-mail (Annexure P-8) responded. It is submitted that the applicant had also filed a petition under Section 125 Cr.P.C. at Khanna,



which is now pending adjudication for 01.6.2026. It is accordingly prayed that keeping in view the above facts, the present application be allowed and the case bearing HMA/34/2024 (Annexure P-1) be transferred from the Family Court, Tarn Taran to the Family Court, Ludhiana or its camp at Khanna.

5. *Per contra* learned counsel for the respondent opposes the submissions of the applicant and submitted that the applicant had previously filed a petition under the Domestic Violence Act at Khanna, which was dismissed vide order dated 15.11.2025 by the learned Sub Divisional Judicial Magistrate, Khanna on the grounds of jurisdiction under Section 27. It is established position in law that convenience of the wife is to be seen, however, convenience of his father is of no consequence. In support, learned counsel for the respondent has relies upon the judgment passed by this Court in ***Rubalpreet Kaur through Special Power of Attorney Sh. Jobanpreet Singh vs. Harbarkamaljot Singh*** 2019(4) RCR (Civil) 198.

6. I have heard learned counsel for the parties.

7. Besides the facts as noticed hereinabove, the legal position in such like cases as the present one, 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, 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.”

8. 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.”

9. 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.



10. After going through the entire paper-book, considering the fact that issuance of notice to the respondent has the consequences of staying further proceedings before the trial Court, otherwise the petitioner-wife will have to bear the litigation expenses and transportation expenses and in case, notice of motion is issued, even the respondent-husband has to bear the litigation expenses and 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 filed by respondent husband under Section 13 of Act, bearing No. HMA/34/2024 titled as "Rohit Gupta vs. Neha Gupta", pending in the Court of Principal Judge, Family Court, Tarn Taran is transferred to a Court of competent jurisdiction at Ludhiana.
- b) The Id. District Judge, Tarn Taran is directed to transfer complete record pertaining to the aforesaid case to District Judge, Ludhiana.
- c) The parties are directed to appear before the District & Sessions Judge, Ludhiana on 15.6.2026.
- d) The District Judge, Ludhiana will assign the said petition to the Court of competent jurisdiction.

11. 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.

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

13. 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-308-2024 (O & M)

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

14. As already noticed above, in order to ensure appearance of the parties before the District Judge, Ludhiana on 15.6.2026, it is directed that a copy of this order be sent to the District Judges concerned through e-mail. The parties are directed to ensure their appearance accordingly.

Disposed of.

Pending application(s), if any, stands disposed of.

May 12, 2026
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No