



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

133

TA-1367-2025

Date of Decision: 15.05.2026

Geetanjali Babbar

.... Petitioner

Versus

Anish Babbar

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

Mr. Raman Mahajan, Advocate 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-870-2024 dated 30.09.2024 (Annexure P-3) titled as ‘Anish Babbar, Advocate vs. Dr. Geetanjali Babbar’ pending before the learned Family Court, Chandigarh to the Family Court at SAS Nagar (Mohali).

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

- i) The parties solemnized marriage on 26.11.2005 according to Hindu Rites and Ceremonies..
- ii) Two daughters i.e. one major and one minor were born out of the said wedlock and both are presently in the care and custody of the petitioner-mother.
- iii) Due to matrimonial discord the parties are living separately since 27.09.2024.



- iv) No doubt, the petitioner is resident of Sector-63, Chandigarh. However, the said residence is closer to SAS Nagar (Mohali) than to Chandigarh. Moreover, the petitioner is working as Guest Lecturer in Amity University at Mohali, therefore, it is more convenient for her to go to the District Courts, SAS Nagar (Mohali) rather than to District Courts at Chandigarh.
- v) Respondent-husband is a practicing Advocate at District Courts, Chandigarh for the past 20 years. Even father of the respondent/father-in-law of the petitioner is also a practicing Advocate at District Courts, Chandigarh for more than 40 years. As such, the petitioner apprehends threat to her life.
- vi) There are 02 cases filed by the petitioner-wife which are pending adjudication at District Courts, SAS Nagar (Mohali) and the respondent is regularly appearing in both the said cases; which are as under:-
 - (a) Petition under provisions of the Protection of Women from Domestic Violence Act, 2005 bearing No. COMA/105/2024 (Annexure P-1) titled as 'Dr. Geetanjali Babbar vs. Anish Babbar and others'; and
 - (b) Petition under Section 144 of BNNS, 2023 (125 Cr.P.C.) bearing No. MNT/64/2024 (Annexure P-2) titled as 'Geetanjali Babbar vs. Anish Babbar'.
- vi) The respondent has a permanent home at Mohali and both the aforementioned 02 cases are pending before the District Courts, SAS Nagar (Mohali) since



29.07.2024. Therefore the said cases have been filed by the petitioner-wife prior to filing of present petition (Annexure P-3) by the respondent on 30.09.2024.

- vii) The petitioner-wife is single handedly taking care of both the daughters born out of the wedlock of the parties.

3. It is accordingly, prayed that the present petition may be allowed and petition bearing No. HMA-870-2024 dated 30.09.2024 (Annexure P-3) be transferred from the learned Family Court, Chandigarh to the Family Court at SAS Nagar (Mohali).

4. *Per Contra*, learned counsel for the respondent vehemently opposes the submissions advanced by learned counsel for the petitioner and submits that the petitioner is resident of Chandigarh. It is submitted that the petitioner has put in appearance in the aforesaid petition (Annexure P-3). Learned counsel submits that the matter was referred to the Mediation and Conciliation Centre, District Courts, Chandigarh, but it could not be settled.

5. No other argument has been made on behalf of the parties. I have heard learned counsel for the parties and carefully gone through the case file. I find no merit in the submissions advanced on behalf of the respondent.

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 bearing No. HMA-870-2024 dated 30.09.2024 (Annexure P-3) titled as 'Anish Babbar, Advocate vs. Dr. Geetanjali Babbar', filed by respondent-husband pending before the learned Family Court, Chandigarh is transferred to the Family Court at SAS Nagar, Mohali.
- b) The learned District Judge, Chandigarh is directed to transfer complete record pertaining to the aforesaid case to District Judge, SAS Nagar (Mohali).
- c) The parties are directed to appear before the District Judge, SAS Nagar (Mohali) on **17.06.2026**.



d) The District Judge, SAS Nagar (Mohali) will assign the said petition to the Court of competent jurisdiction.

10. The concerned Court at SAS Nagar (Mohali) 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.

15.05.2026
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No