

TA-320-2024

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

Sr. No.104

TA-320-2024

Date of Decision: 07.07.2025

AMRITA SAINI

...Applicant

Versus

NEERAJ KUMAR

....Respondent

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Lupil Gupta and Mr. Rahul, Advocates  
for the applicant.

Mr. Gurasis Singh, Advocate for  
Mr. Ritesh Tomar, Advocate  
for the respondent.

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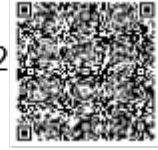
**ARCHANA PURI, J. (Oral)**

Reply has not been filed. However, the counsel appearing on behalf of the respondent submits that he does not intend to file reply to the transfer application, though, he contests the same.

The counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/392/2023, titled '*Neeraj Kumar Vs. Amrita Singh*', filed by the respondent-husband, pending in the Family Court, Narnaul and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 03.02.2017. One son born from the said wedlock, who is about 7½ years

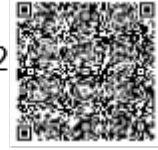


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old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not working and as such, has no source of earning. She is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Gurugram. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

On the other hand, the counsel for the respondent submits that it shall be difficult for the respondent also, in case the petition under Section 9 of the Hindu Marriage Act is so transferred.

In view of the rival submissions aforesaid and taking into consideration the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is taking care of the minor son, while not having any source of earning; considering the distance between the two places and also considering the fact of two other cases, arising from the matrimonial dispute, already pending in the Courts at Gurugram, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/392/2023, titled '*Neeraj Kumar Vs. Amrita Singh*', filed by the respondent-husband, stands transferred from the Family Court, Narnaul, to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid case be sent by the Family Court, Narnaul, to the District and Sessions Judge, Gurugram.



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

**07.07.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No