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TA-1220-2024 AND TA-1037-2025

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

**Sr. No.107+124**

**Date of Decision: 19.08.2025**

**1.**

**TA-1220-2024**

**GAGAN KUMAR**

**....Applicant**

**Versus**

**RITU RANI**

**.....Respondent**

**2.**

**TA-1037-2025**

**RITU RANI**

**....Applicant**

**Versus**

**GAGAN KUMAR**

**.....Respondent**

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

Present:- Mr. Rashmeet Singh, Advocate  
for the applicant (in TA-1220-2024) and  
for the respondent (in TA-1037-2025).

Mr. Aditya Jain, Advocate  
for the respondent (in TA-1220-2024) and  
for the applicant (iin TA-1037-2025).

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

These are two cross transfer applications, filed by the parties to the lis, for seeking transfer of the litigation, pending between them.

TA-1220-2024 has been filed by the applicant-husband for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/905/2023, titled '*Ritu Rani Vs. Gagan Kumar*', filed by the respondent-wife, pending in the Family Court, Sonapat and he seeks transfer of the same to the Court of competent jurisdiction at Khanna, District Ludhiana.

TA-1037-2025 has been filed by the applicant-wife for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/91/2023, titled '*Gagan Kumar Vs. Ritu Rani*', filed by the respondent-husband, pending in the Family Court (Camp Court) Khanna, District Ludhiana, and she seeks transfer of the same to the Court of competent jurisdiction at Sonapat.

In pursuance of the notice issued, respective respondent(s) have made appearance. Reply to TA-1220-2024 was filed by the respondent-husband. However, counsel for the respondent-Ritu Rani, in TA-1037-2025, has given a statement that he does not want to file reply and contents of the transfer application i.e. TA-1220-2024, filed by the wife, be considered as reply.

Counsel for the parties heard.

For the convenience of the discussion, the parties shall be referred, as pleaded in TA-1220-2024.

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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 13.02.2012. One daughter born from the said wedlock, who is about 12 years old, is in the care and custody of the applicant-husband. However, while making reference to the contents of the application i.e. TA-1220-2024, it is submitted that unnatural death of maternal uncle of the applicant had taken place, who left behind his minor daughter-Ranjana. Said Ranjana had shifted to Khanna and the dispute arose between the parties concerned, thereafter. Also, it is submitted that under the compelling circumstances, the applicant had filed the petition under Section 9 of the Hindu Marriage Act i.e. HMA/91/2023, which is pending in the Courts at Khanna. Also, his daughter had filed the petition under Section 125 Cr.P.C. i.e. MNT-125/19/2023, through him, which is also pending in the Courts at Khanna. In both the aforesaid cases, the respondent-wife has not made appearance and as such, has been proceeded against *ex parte*. Now, divorce petition has been filed by the respondent at Sonapat. Even though, the respondent was working at Faridabad, at earlier time, but the divorce petition has been filed at Sonapat, only to cause harassment to the applicant.

Moreover, it is submitted that the respondent is working and this fact has not been disclosed by her. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 250 kilometres (one side), to defend the divorce petition, more particularly, while taking care of the teenage daughter. Also, a prayer is made for dismissal of TA-1037-2025.

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On the other hand, the counsel for the respondent, while making reference to the reply, as well as the transfer application i.e. TA-1037-2025, filed at the instance of the wife, submits that in fact, the behaviour of the applicant was not upto mark and he had past criminal record, the detail whereof has been mentioned in paragraph No.6 of the reply. On this account, it is submitted that the dispute arose between the parties. Also, the petition under Section 125 Cr.P.C. and the petition under Section 9 of the Hindu Marriage Act, have been filed on wrong assertions. Furthermore, it is submitted that the applicant is working in a car service company. However, the post, as such, has not been disclosed in the transfer application.

On query by this Court, it is submitted by the counsel for the respondent that the respondent is working as 'Manager', but however, the counsel does not know about the extent of salary. In the given circumstances, it is submitted that in fact, keeping in view the convenience of wife, the petition under Section 9 of the Hindu Marriage, filed by the husband, be transferred to Sonapat. Also, a prayer is made for dismissal of TA-1220-2024.

In view of the aforesaid rival submissions, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, in case of transfer application relating to the matrimonial dispute. However, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, the minor daughter born from the wedlock of the parties, is in the care and custody of the applicant-husband, namely, Gagan Kumar. In

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fact, he had filed the petition under Section 9 of the Hindu Marriage Act and the petition under Section 125 Cr.P.C. had also been filed by her daughter through him and the said cases are pending in the Courts at Khanna and the respondent-wife has not bothered to pursue them and as such, has been proceeded against *ex parte*, in both the said petitions. Moreover, it is pertinent to mention that, at first instance, the respondent in reply to TA-1220-2024, has not disclosed about herself to be working. It was only in the subsequent application i.e. TA-1037-2025, filed at her instance, it was disclosed about herself to be working in some car service company, but however, the further detail were not disclosed. It is only upon query by this Court, the counsel has disclosed that the respondent is working on the post of 'Manager'. Anyway, it is noticed that Ritu Rani, is financially independent and as such, she can very well pursue the litigation, if so transferred. Besides the same, another weighing factor is, as to which parent is taking care of the teenage daughter.

Considering the aforesaid circumstances, it is just and expedient to dismiss TA-1037-2025, filed by the wife and accept TA-1220-2024, filed by the husband. Accordingly, so ordered. Consequently, the petition under Section 13 of the Hindu Marriage Act i.e. DMC/905/2023, titled '*Ritu Rani Vs. Gagan Kumar*', filed by the respondent-wife, stands transferred from the Family Court, Sonapat, to the Court of competent jurisdiction at Khanna, District Ludhiana, where already two cases are pending between the parties. The requisite record of the aforesaid case be sent by the Family Court, Sonapat, to the District and Sessions Judge, Ludhiana.

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

**19.08.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No