

TA-127-2024 AND TA-83-2025

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

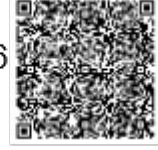
Sr. No.104 (2 cases)**Date of Decision: 10.09.2025****1.****TA-127-2024****MUSKAN MAHAJAN****....Applicant****Versus****SAURABH AGGARWAL****....Respondent****2.****TA-83-2025****MUSKAN MAHAJAN****....Applicant****Versus****SAURABH AGGARWAL****....Respondents****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Vanshika Grover, Advocate
for the applicant (in both the cases).

Respondent-in-person (in both the cases).

ARCHANA PURI, J. (Oral)

Vide this order, I shall dispose of two applications, filed by Muskan Mahajan-applicant/wife, for seeking transfer of the litigation, pending between the parties to the lis.



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TA-127-2024 has been filed by the applicant-wife for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/201/2013, titled '*Saurabh Aggarwal Vs. Muskan Mahajan*', filed at the instance of respondent-husband.

TA-83-2025 has been filed by the applicant-wife for seeking transfer of the civil suit i.e. CS/1472/2024, titled '*Saurabh Aggarwal Vs. Muskan Mahajan*', filed by the respondent-husband.

Both the aforesaid cases are pending in the Courts at Jalandhar and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Derabassi, District SAS Nagar.

In pursuance of the notice issued, respondent made appearance in person and filed replies in the respective applications.

Counsel for the applicant, as well as respondent, who is present in person, heard.

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 25.06.2020. From the said wedlock, one son was born on 29.03.2022, who is presently in the custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that earlier, the applicant was working in Kotak Mahindra Bank, at Jalandhar, but however, due to constrained circumstances faced by her, because of the respondent and his family, she had left her job and now, she along with the son, is residing with her parents at Derabassi. Also, it is submitted that the applicant had filed a complaint before the police authorities. However, FIR was not registered, as a result whereof, the applicant has filed the petition



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under Section 156(3) Cr.P.C., against the respondent. Vide separate order passed upon the same, FIR was not ordered to be registered and it was treated as a private complaint. In fact, the applicant had already challenged the said order before this Court.

Furthermore, it is submitted that after filing of the transfer application i.e. TA-127-2024, for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, which is pending in the Courts at Jalandhar, the applicant has also filed the petition under Section 13 of the Hindu Marriage Act, petition under Section 125 Cr.P.C., as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, the particulars whereof have though not been mentioned in the said application, but have been mentioned in paragraph No.5 of the subsequent transfer application i.e. TA-83-2025. Also, it is pointed out that the respondent is pursuing all the three cases. Besides the same, the respondent has filed the guardianship petition, to seek custody of the son, which is also pending in the Courts at Derabassi. The distance between the two places is stated to be about 150 kilometres.

On the other hand, the respondent himself, while making reference to the replies filed, submit that the applicant has not come to the Court with clean hands. In fact, she has concealed the material fact of herself to be a working woman. Furthermore, it is submitted that the respondent is the only son of his parents and he is employed in HDFC Bank, Jalandhar. Both his parents are senior citizens and they are suffering from various health issues. Also, it is submitted that it shall be too difficult for him also, to commute a distance of 150 kilometres, to pursue the litigation, if

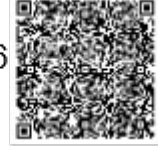


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the transfer applications are accepted.

On query by this Court, it is submitted by the respondent that he is not paying any maintenance to the applicant, or to the minor son. In fact, he submits that he is already paying the EMI, relating to the property, which was purchased by him, in the name of the applicant, relating to which subject civil suit has been filed by him. Also, he has made reference to various photographs annexed with the reply and submitted that the applicant was happily living with her in-laws' family and false dispute has been raised by her.

In view of the submissions aforesaid, it is pertinent to note 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, though, the applicant was earlier allegedly working, but however, she alleges that under the constrained circumstances, she had to leave the job and at present, she is not working. She is also taking care of the minor son, who is about 3 years old. Besides the same, undisputedly, three other cases initiated by the applicant i.e. the petition under Section 13 of the Hindu Marriage Act i.e. HMA/41/2024, the petition under Section 125 Cr.P.C. i.e. MNT/12/2024 and the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/30/2024, are already pending in the Courts at Derabassi and the respondent is pursuing the same. Even, the respondent has filed the guardianship petition, which is also pending in the Courts at Derabassi.



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In view of the aforesaid fact situation, considering the major portion of litigation arising from the matrimonial dispute to be pending in the Courts at Derabassi and also considering the mitigating circumstances aforesaid, primarily, the fact of minor son residing with the applicant, both the transfer applications i.e. TA-127-2024 and TA-83-2025 are hereby allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/201/2013, titled '*Saurabh Aggarwal Vs. Muskan Mahajan*' and the civil suit i.e. CS/1472/2024, titled '*Saurabh Aggarwal Vs. Muskan Mahajan*', stand transferred from the Courts at Jalandhar, to the Court of competent jurisdiction at Derabassi, District SAS Nagar. The requisite record of the aforesaid cases be sent by the Courts concerned, to the District and Sessions Judge, SAS Nagar.

Learned District and Sessions Judge, SAS Nagar, shall assign the said cases to the Courts of competent jurisdiction at Derabassi. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

10.09.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No