



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

Sr. No.209

TA-1452-2024

Date of Decision: 04.08.2025

SUMAN

....Applicant

Versus

RAJ SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. R.K. Choudhary, Advocate
for the applicant.

Mr. Shiv Kumar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1901/2023, titled '*Raj Singh Vs. Suman*', filed by the respondent-husband, pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Palwal.

Upon notice issued, the respondent had made appearance through counsel, but however, he had chosen not to file reply to the transfer application, though he contests the same.

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 26.02.2009. One daughter born from the said wedlock, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning. Even,



TA-1452-2024

she had filed the petition under Section 125 Cr.P.C., for seeking maintenance for herself and the minor daughter, which was allowed and the respondent was ordered to pay a sum of Rs.3,000/- per month to the applicant and Rs.1,500/- per month to applicant No.2. Besides the same, another amount of Rs.7,000/- was ordered to be paid as litigation expenses. However, as the respondent did not make the payment aforesaid, the applicant was constrained to file execution. After issuance of warrant of arrest, the respondent has made a payment of Rs.60,000/-, as arrears of maintenance. However, the amount due towards the respondent is more than 3-4 lakhs. The distance between the two places is about 40 kilometres.

On the other hand, the counsel for the respondent submits that the distance between the place where the divorce petition is pending and where it is proposed to be transferred, is only 25 kilometres and not 40 kilometres, as asserted.

In view of the submissions made aforesaid, it is pertinent to mention that there are numerous circumstances, which are required to be taken into consideration, while dealing with the transfer application relating to the matrimonial dispute, *vis-a-vis*, the financial affluence of the parties; number of children born from the wedlock; custody of the children with which parent. Besides the same, as to what is the source of earning of both the partners, is also required to be seen. Of course, the distance between the two places is also an important factor, to be considered in the backdrop of the other circumstances spelt out. In the case in hand, the distance between the two places, though may be 25 kilometres only, as asserted by the counsel for the respondent, but however, the daughter born from the said wedlock, is in the care and custody of the applicant, who herself is not having any source



TA-1452-2024

of earning. This is most important weighing factor in the present case. Moreover, the respondent was not making payment of any maintenance to the applicant, as well as her daughter and on this account, she was constrained to file execution, even after obtaining the order of maintenance. Though, an amount of Rs.60,000/- has been paid by the respondent, but however, as per the counsel for the applicant, the arrears due are more than 3-4 Lakhs.

Considering the aforesaid circumstances and taking into consideration the fact of minor daughter living with the applicant, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1901/2023, titled '*Raj Singh Vs. Suman*', filed by the respondent-husband, stands transferred from the Family Court, Faridabad, to the Court of competent jurisdiction at Palwal. The requisite record of the aforesaid case be sent by the Family Court, Faridabad, to the District and Sessions Judge, Palwal.

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

04.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No