



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

105

TA-1272-2024 (O&M)

Date of Decision: October 15, 2025

Jyoti Malik

...Applicant

Versus

Gurmeet Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Akash Manocha, Advocate
for the applicant.

Mr.Satyaveer Singh and Mr.Abhyudaya Paliwal, Advocates
for the respondent.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-49-2024, titled 'Gurmeet Singh vs. Jyoti Malik', pending in the Family Court, Chandigarh and she seeks transfer of the same to the Court of competent jurisdiction at Ambala.

In pursuance of the notice issued, the respondent made appearance through counsel and filed the reply.

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that the marriage between the parties to the lis had taken place on

29.02.2016 and son born from the said wedlock, who is aged about 9 years, is in the care and custody of the applicant. He is also studying in a school at Panjhokra Sahib, District Ambala, which is at a distance of about 5 kms. from the place of the residence of the applicant.

However, it is submitted that on account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she together with her minor child is dependent upon her parental family. On account of this matrimonial dispute, the applicant has filed petition under Section 125 Cr.P.C., divorce petition as well as petition under Domestic Violence Act, which are pending in the Courts at Ambala and the respondent is making appearance in all the said cases. Besides the same, she had also got lodged FIR No.208 dated 08.06.2024 under Sections 323, 406 and 498-A IPC, wherein, the challan has been presented in the Courts at Ambala and the trial is going on. It is further submitted that during the pendency of the transfer application, even, respondent has filed petition under Guardians and Wards Act, to seek custody of the son, which is also pending in the Courts at Ambala. The distance between the two places is stated to be 55 kms.

On the other hand, learned counsel for the respondent has refuted the claim of transfer of the petition under Section 9 of the Hindu Marriage Act. He submits that the marriage had taken place at Chandigarh and the respondent is working at Chandigarh and therefore, he had filed petition under Section 9 of the Hindu Marriage Act at Chandigarh only.

On query by the Court, it is admitted by counsel for the respondent that the respondent is pursuing all the litigation as stated in paragraph No.5

of the transfer application, which are pending in the Courts at Ambala. On further query, it is submitted that no maintenance, as such, has been paid, at any stage, to the applicant or to the minor child.

In view of the rival submissions, it is pertinent to mention that generally, the Courts lean towards the convenience of the wife, while adjudicating on the transfer application, relating to the matrimonial dispute. Though, it may not be a thumb rule, but however, various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. There are various factors, which have to be considered. The most important is the custody of the child, born from the wedlock of the parties to the lis. Herein, the child, who is about 9 years old, is in the care and custody of the applicant and is also studying in a school at Panjhokra Sahib, District Ambala, which is at a distance of about 5-6 kms. from the place of residence of the applicant.

The applicant is not having any source of earning and she is also taking care of the child. Besides the same, other four litigations as detailed aforesaid, initiated at the instance of the applicant, are already pending in the Courts at Ambala and respondent is pursuing all the litigation, more particularly, he is making appearance in the criminal case, registered against him. Even, the respondent himself has filed petition under Guardians and Wards Act, in the Courts at Ambala.

Considering the aforesaid factual position, it is just and expedient to accept the present application. Hence, the transfer application is hereby allowed and the petition under Section 9 of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-49-2024, titled

‘Gurmeet Singh vs. Jyoti Malik’, stands transferred from the Family Court, Chandigarh to the Court of competent jurisdiction at Ambala. The requisite record of the aforesaid case be sent by the Family Court, Chandigarh to the District and Sessions Judge, Ambala.

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

October 15, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No