

2025:PHHC:044661



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

TA-7-2024(O&M)

Date of Decision: April 02, 2025

Suman Saini alias Sonakshi

...Applicant

Versus

Lalit Mohan Saini

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ajay Kumar Kansal, Advocate
for the applicant.
(through video conferencing).

Mr.Nipun Verma, Advocate
for the respondent.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.DMC-1291-2023, titled 'Lalit Mohan Saini vs. Suman Saini', which is pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

Upon notice, the respondent has made appearance through counsel.

Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the

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applicant that marriage between the parties to the lis, had taken place on 09.11.2011. From the said wedlock, three daughters were born on 19.11.2012, 28.10.2014 and 15.07.2018. However, on account of matrimonial discord, the parties are residing separate. The elder two daughters are in the care and custody of the respondent, whereas, the youngest daughter is in the care and custody of the applicant. Also, it is submitted that the applicant is not working and as such, has no source of earning and she is totally dependent upon her parental family.

Further, it is submitted that applicant has filed petition under Section 125 Cr.P.C., which is pending in the Family Court, Ambala, wherein, the respondent is also making appearance. Apart from this, there is no other litigation pending. In the given circumstance, it is submitted that it is difficult for the applicant-wife to commute a distance of about 75 kms. to defend the divorce petition.

On the contrary, learned counsel for the respondent has submitted that in fact, the respondent is an agriculturist and is taking care of two daughters. Considering the same, it shall be too harsh for the respondent also, in case the transfer application is allowed.

Considering the rival submissions aforesaid, it is pertinent to mention that often preference is given to the convenience of the wife. Though, it is not a thumb rule, but however, various other circumstances, spelt out, ought to be taken into consideration. No doubt, two daughters, born from the wedlock of the parties are in the care and custody of the respondent, but still they are 12 years and 10 years old. The applicant is

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having custody of the daughter, who is only 6 years old.

On query by the Court, it has been disclosed by learned counsel for the respondent that there are parents of the respondent, residing with him. Furthermore, respondent is already making appearance in the petition under Section 125 Cr.P.C. at Jind.

Considering the aforesaid circumstances, when one petition is already pursued by the respondent, which is pending at Jind and also considering the fact that applicant is not having any source of earning and is taking care of youngest daughter born from the said wedlock, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.DMC-1291-2023, titled 'Lalit Mohan Saini vs. Suman Saini', stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Jind. The requisite record of the aforesaid case be sent by the Family Court, Hisar, to the District and Sessions Judge, Jind.

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

However, balancing the convenience/inconvenience, on the part of the respondent also, a request is made to the concerned District and Sessions Judge, to ensure the trial of both the petitions i.e. under Section 125 Cr.P.C. and under Section 13 of the HMA, by one and the same Court, if there are more than one Family Court, existing at the place concerned and



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the Family Court concerned, is hereby requested to preferably adjourn both the aforesaid cases, for the same date.

April 02, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No