



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

Sr. No.103

TA-1213-2022

Date of Decision: 13.02.2025

NISHA

....Applicant

Versus

NAVEEN KUMAR

.....Respondent

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

Present:- Ms. Puja Chopra, Advocate  
for the applicant.

Mr. H.S. Diawan, Advocate for  
Mr. T.S. Hundal, Advocate  
for the respondent.

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

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/39/2022, titled '*Naveen Kumar Vs. Nisha*', filed by the respondent-husband, pending in the Family Court (Camp Court) Amloh, District Fatehgarh Sahib and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

In pursuance of the notice issued, respondent made appearance through counsel. However, reply has not been filed, despite last opportunity given, on the last date of hearing. The counsel appearing on behalf of the respondent, at this stage, submits that he does not intend to file reply, though, he contests the transfer application.

Learned counsel for the parties heard.

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



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applicant that the marriage between the parties to the lis, had taken place on 26.04.2011. On account of the matrimonial discord, the parties are residing separate. Three children were born from the said wedlock. The elder son has been forcibly taken away by the respondent and is residing with him, whereas, the two children, one son and one daughter, who are about 7 years old and 5 years old, are in the care and custody of the applicant. Also, it is submitted that the applicant is unemployed and as such, has no source of earning. Moreover, it is submitted that the applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Patiala and the respondent has made appearance in the same. Also further, it is submitted that the respondent himself is a resident of Gobindgarh and the distance, which is required to be covered to pursue the petition under Section 9, is equi-distant from Mandi Gobindgarh, either to Amloh or Patiala.

However, the counsel appearing on behalf the respondent resists the claim of the applicant, as he submits that the distance is not such, which the applicant cannot commute and therefore, he has made a prayer for dismissal of the application.

In view of the aforesaid submissions, considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, when two minor children are residing with the applicant and also considering the fact about the respondent himself to be a resident of Mandi Gobindgarh, which is situated almost equi-distant from Amloh or Patiala, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/39/2022, titled '*Naveen Kumar Vs. Nisha*',



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filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Amloh, District Fatehgarh Sahib, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Amloh, to the District and Sessions Judge, Patiala.

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

**13.02.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No