



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

**Sr. No.218**

**TA-1607-2024**

**Date of Decision: 18.08.2025**

**KAJAL**

**....Applicant**

**Versus**

**AMIT KUMAR**

**....Respondent**

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

Present:- Ms. Kashish Sahni, Advocate for  
Mr. Devansh Khanna, Advocate  
for the applicant.

Mr. Suresh Kumar and Mr. B.S. Bhata, Advocates  
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/12347/2024, titled '*Amit Kumar Vs. Kajal*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Pathankot.

Upon notice issued, the respondent made appearance through counsel and filed reply.

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 31.01.2024, but no child



was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is dependent upon the parental family, whereas, the respondent is employed as 'Manager' in Bajaj Finance Company. Also, it is submitted that the respondent has not paid any maintenance to the applicant. Further, it is submitted that the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the petition under the Protection of Women from Domestic Violence Act, filed by the applicant, are pending in the Courts at Pathankot. The respondent is making appearance in the maintenance petition, whereas the petition under the Protection of Women from Domestic Violence Act, is at appearance stage.

On the other hand, the counsel for the respondent submits that litigation has been falsely fastened upon the respondent. In fact, the respondent is financially strained, on account of multiple litigation, initiated by the applicant, at Pathankot, which is being used as a tool of harassment. Also, it is submitted that the aged parents of the respondent, have also been impleaded as respondent in the petition under the Protection of Women from Domestic Violence Act.

On query by this Court, it is disclosed by the counsel for the respondent that till date, no application for transfer of the petition under the Protection of Women from Domestic Violence Act, has been filed.

Considering the aforesaid factual position and also taking into consideration the preference, generally given by the Courts to the convenience of wife, in case of transfer application relating to the matrimonial dispute; applicant having no source of earning; two cases



already pending in the Courts at Pathankot and also considering the distance between the two places, where the petition is pending and where it is proposed to be transferred, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/12347/2024, titled '*Amit Kumar Vs. Kajal*', filed by the respondent-husband, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Pathankot. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Pathankot.

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

**18.08.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No