



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

Sr. No.116

Date of Decision: 06.03.2025

1.

TA-387-2024 (O&M)

ARTI RANI

....Applicant

Versus

AMIT KUMAR

....Respondent

2.

TA-391-2024

ARTI RANI

....Applicant

Versus

AMIT KUMAR

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arun Kumar Gupta, Advocate
for the applicant (in both the cases).

Mr. Pawan Attri, Advocate
for the respondent (in both the cases).

ARCHANA PURI, J. (Oral)

Vide this order, I shall dispose of two applications, filed by Arti Rani-applicant/wife, for seeking transfer of the litigation, pending between



the parties to the lis.

TA-387-2024 has been filed by the applicant-wife for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/732/2023, titled '*Amit Kumar Vs. Arti Rani*', filed at the instance of respondent-husband.

TA-391-2024 has been filed by the applicant-mother, for seeking transfer of the petition under Section 25 of the Guardians and Wards Act i.e. GW/66/2023, titled '*Amit Kumar Vs. Arti Rani*', filed by the respondent-father (husband of the applicant), thereby seeking custody of the minor son, born from the wedlock of the parties to the lis.

Both the aforesaid cases are pending in the Courts at Kurukshetra and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Ambala.

In pursuance of the notice issued, respondent made appearance through counsel and filed replies in the respective applications.

Learned counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 22.07.2015. From the said wedlock, one son was born in the year 2016, who is presently stated to be about 9 years old and he is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant has no source of earning, as a result whereof, she has filed the petition under Section 125 Cr.P.C. i.e. MNT/253/2023, which is pending in the Courts at Ambala and the respondent is making appearance in the same. In the given circumstances, it



is submitted that on account of the applicant having no source of earning, it is difficult for her to defend the petition under Section 9 of the Hindu Marriage Act, as well as the guardianship petition, filed by the respondent in the Courts at Kurukshetra, while taking care of the minor son.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that it shall be inconvenient for the respondent also, in case the transfer applications are allowed.

In view of the submissions aforesaid, it is pertinent to mention that convenience of the wife, ought to be taken into consideration. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. In the case in hand, the minor son born from the wedlock of the parties, is in the care and custody of the applicant. Moreover, the applicant is not having any source of earning.

In view of the aforesaid fact situation, the inconvenience, if any caused to the respondent-husband, shall not be to such an extent. Thus, considering the same, the transfer applications are allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/732/2023, titled '*Amit Kumar Vs. Arti Rani*', as well as, the petition under Section 25 of the Guardians and Wards Act i.e. GW/66/2023, titled '*Amit Kumar Vs. Arti Rani*', filed by the respondent-husband, stands transferred from the Family Court, Kurukshetra, to the Court of competent jurisdiction at Ambala. The requisite record of the aforesaid case be sent by the Family Court, Kurukshetra, 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.

06.03.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No