



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

Sr. No.244

**TA-1401-2024
Date of Decision: 11.09.2025**

NIDHI

...Applicant

Versus

SAVITA RANI AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Tarun Sharma, Advocate
for the applicant.

Mr. Krishan Singh, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

The applicant-Nidhi has filed the present application for seeking transfer of the complaint case i.e. COMA/137/2023 dated 04.07.2023, titled '*Savita Rani Vs. Nidhi and others*', filed by respondent No.1 (mother-in-law of the applicant), pending in the Courts at Yamuna Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Pehowa, District Kurukshetra.

In pursuance of notice issued, respondent No.1, who is the sole contesting respondent, made appearance through counsel and filed reply.

Counsel for the parties heard.



At the very outset, it is submitted by the counsel for the applicant that the marriage of the applicant had taken place with Parvesh Kumar, son of respondent No.1 on 20.11.2020. However, on account of the matrimonial dispute, the parties are residing separate and they are entangled in litigation. There is one daughter born from the said wedlock, who is little less than four years old and she is in the care and custody of the applicant. The applicant herself is not having any source of earning and as such, is dependent upon her parental family. She had got lodged an FIR bearing No.281 dated 16.09.2023 at Police Station City Pehowa, District Kurukshetra, wherein challan has been presented and now, the case is pending in the Courts at Pehowa. Respondent No.1 (mother-in-law of the applicant), has also been arrayed as an accused in the said FIR and she is making appearance before the Courts at Pehowa. Even, the husband of the applicant has been arrayed as accused in the same and he is facing trial. Besides the same, further it is submitted that Parvesh Kumar, husband of the applicant, had filed the guardianship petition i.e. GW/42/2023, which was pending in the Courts at Yamuna Nagar. However, transfer application i.e. TA-1227-2023, was filed by the applicant, for seeking transfer of this petition and the same was allowed vide order dated 21.09.2023, copy whereof is Annexure P-3. In these circumstances, while taking care of the child, while the applicant herself is not having any source of earning, it is submitted that it is difficult for her, to commute a distance of about 100 kilometres, to defend the petition under the Protection of Women from Domestic Violence Act.



On the other hand, counsel for respondent No.1, while making reference to the reply filed, submits that respondent No.1 is 55 years old and she is having various health issues, on which account, it will be difficult for her also, to pursue the case, if so transferred.

In view of the submissions aforesaid, it is pertinent to mention that besides the petition under the Protection of Women from Domestic Violence Act, filed by respondent No.1, which is sought to be transferred by way of this application, there is also one FIR, got lodged by the applicant, as detailed aforesaid and respondent No.1 is facing trial, relating to the same in the Courts at Pehowa. Even, the guardian petition, filed by the husband of the applicant, has been transferred to Pehowa by this Court. The petition under the Protection of Women from Domestic Violence Act, filed by respondent No.1 is also an offshoot of matrimonial dispute of the applicant with her husband-Parvesh Kumar. Besides the same, even though, it is asserted about respondent No.1 to be having various health issues, but no material has come on record, to so substantiate about her ailments.

In view of the aforesaid fact situation and considering the fact of respondent No.1 facing trial of the criminal case, in the Courts at Pehowa, which requires her presence on every date of hearing, the fact of minor daughter being taken care of by the applicant, who herself is not having any source of earning and in the fitness of circumstances, the transfer application is allowed and the complaint case i.e. COMA/137/2023 dated 04.07.2023, titled '*Savita Rani Vs. Nidhi and others*', filed by respondent No.1 (mother-in-law of the applicant), stands transferred from the Courts at Yamuna Nagar, to the Court of competent jurisdiction at Pehowa, District



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Kurukshetra. The requisite record of the aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Kurukshetra.

Learned District and Sessions Judge, Kurukshetra, shall assign the said petition to the court of competent jurisdiction at Pehowa. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

However, considering the convenience/inconvenience of both the sides, to some extent, the respondent always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the concerned Court shall consider the same and pass an appropriate order, in the fitness of circumstances.

11.09.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No