



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

**103**

**TA-561-2024(O&M)**

**Date of Decision: September 02, 2025**

Khushbhu Kumari

...Applicant

Versus

Sagar Kumar

...Respondent

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

Present: Mr.Ishaan, Advocate for  
Mr.Karan Bhardwaj, Advocate  
for the applicant.

Mr.C.S.Rana, Mr.V.K.Pujara and  
Ms.Komal Sohi, Advocates  
for the respondent.

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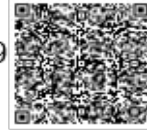
**ARCHANA PURI, J.**

Applicant-Khushbhu Kumari has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, filed by respondent-Sagar Kumar, bearing No.HMA-3211-2023, titled 'Sagar Kumar vs. Khusbu Kumari', pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Rupnagar.

In pursuance of the notice issued, the respondent made appearance through counsel and filed the reply.

Counsel for the parties heard.

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

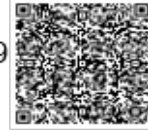
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applicant that the applicant is 19 years old and she was preparing for NEET examination at Patna, Bihar. However, on 23.10.2022, she came to her father at Morinda, District Rupnagar, for celebrating Diwali and Chatt Puja. On 01.11.2022, while she proceeded to the house of her friend, enroute, she was intercepted by Sagar Kumar, who had taken her to Bihar and furthermore, to Nepal. To sum up, it is the case that she has been ravished by the respondent, but however, no marriage, as such, had taken place. However, her father had got registered FIR No.107 dated 05.11.2022 at police station City Morinda under Section 346 IPC and subsequently, her statement was recorded and thereupon, addition of offences under Sections 363, 365, 366, 370, 511 and 376-D IPC was made, against Sagar Kumar and Shyam (both sons of Shambu Shah), Mukesh Kumar and Deepak.

Under the compelling circumstances, the applicant is facing threats at the instance of the respondent. In fact, it is the submission made that the applicant never got married to the respondent and therefore, it is safe for her to travel to Ludhiana, to pursue the litigation thrust upon her.

On the other hand, learned counsel for the respondent, while making reference to the reply and annexures thereto, submits that the false plea of marriage, having not taken place, has been raised by the applicant. In fact, while making reference to the photographs placed on record as Annexure R-1/1, submits that the applicant is in the company of the respondent and she is seemingly happy. Even she is wearing vermilion on her head, which categorically represents her to be a married woman.

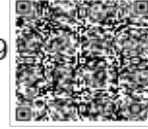
Keeping in view the aforesaid circumstances, vide Annexure R-

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1/2, the respondent has been granted benefit of anticipatory bail by this Court. Furthermore, also it is submitted that the applicant is habitual complainant, as a result whereof, she has been categorised as 'Habitual Sender' by the Hon'ble Supreme Court. In the given circumstances, it is submitted that there is no threat persisting, at the instance of the respondent.

In view of the rival submissions aforesaid, it is pertinent to mention that, generally, the Courts lean towards the convenience of wife, while considering the transfer application, relating to the matrimonial dispute. However, the same may not be thumb rule, and the various other circumstances, spelt out from the material coming forth, ought to be taken into consideration. Though, it is submitted by counsel for the respondent, about the marriage to have taken place, which fact, as such, is denied, at the behest of the applicant, but however, this question, with regard to the performance and validity of the marriage, can be adjudicated only by the Court concerned, where the case is to be tried. This Court, while dealing with the transfer roster, as such, cannot make comment about the performance and validity of the marriage.

However, at the same time, it should be taken into consideration that the applicant is about 19 years old and she is preparing for NEET examination. She is not having any source of earning. Considering all the aforesaid circumstances, it is just and expedient to accept the transfer application. As such, the present transfer application is hereby allowed and the petition under Section 9 of the Hindu Marriage Act, filed by respondent-Sagar Kumar, bearing No.HMA-3211-2023, titled 'Sagar Kumar vs.

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Khusbu Kumari', stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at District Rupnagar. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana to the District and Sessions Judge, Rupnagar.

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

**September 02, 2025**  
Vgulati

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**Yes/No**