



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

Sr. No.103

TA-1360-2023

Date of Decision: 28.08.2025

NEELAM

....Applicant

Versus

KULDEEP KUMAR @ GABBAR @ NIKKU

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.K. Verma, Advocate  
for the applicant.

Mr. K.S. Dargan, Advocate  
for the respondent.

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

Perusal of the paperbook reveals that the respondent had made appearance through counsel on 25.11.2024 and despite availing multiple opportunities, reply has not been filed. Also, last opportunity was given to file reply, on the last date of hearing. As such, there is no necessity to give further opportunity to file reply.

Counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/244/2023, titled '*Kuldeep Kumar Vs. Neelam Rani*', filed by the respondent-husband, pending in the Family Court, Fazilka and she seeks transfer of the same to the Court of competent jurisdiction at Sirsa.

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 31.03.2018. One daughter was born from the said wedlock on 29.07.2022,



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who is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant, who is not having any source of earning, has filed the petition under Section 125 Cr.P.C., which is already pending in the Courts at Sirsa and the respondent is making appearance in the same. Even, she had got lodged an FIR bearing No.292 dated 02.07.2023, under Sections 323, 34, 406, 498-A and 506 IPC, at Police Station Sadar, Sirsa, which is pending investigation. Furthermore, it is submitted that the respondent is suffering from HIV, as a result whereof, the minor daughter also got infected with HIV and this fact was concealed by the respondent. Moreover, the distance between the two places is stated to be 150 kilometres.

On the other hand, counsel for the respondent submits that it shall be too harsh for the respondent also, to pursue the litigation, if so transferred.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, in case of transfer application relating to the matrimonial dispute. Though, it may not be a thumb rule, but however, various other circumstances also ought to be taken into consideration. In the case in hand, the applicant is not having any source of earning. The petition under Section 125 Cr.P.C. is already pending in the Courts at Sirsa. Even, FIR has been got registered by the applicant, within the jurisdiction of Sirsa Courts, which is pending investigation. The distance between the two places is about 150 kilometres, which is considerable one. Besides the same, there is also assertion about the minor daughter to be suffering from HIV, on account of the respondent-husband, having this ailment. Though, no material is coming on record, to



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substantiate this ailment, but anyhow, the facts remains that the minor daughter is being taken care of by the applicant, who is not having any source of earning.

Keeping in view the aforesaid factual scenario, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/244/2023, titled '*Kuldeep Kumar Vs. Neelam Rani*', filed by the respondent-husband, stands transferred from the Family Court, Fazilka, to the Court of competent jurisdiction at Sirsa. The requisite record of the aforesaid case be sent by the Family Court, Fazilka, to the District and Sessions Judge, Sirsa.

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

**28.08.2025**  
Himanshu

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

Whether speaking/reasoned : Yes

Whether reportable : Yes/No