



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

Sr. No.252

TA-525-2024

Date of Decision: 05.05.2025

ANILA RANI

...Applicant

Versus

SANJEEV KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Hitesh Ghai, Advocate
for the applicant.

Mr. Ajay Chaudhary, Advocate
for the respondent.

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. DMC/1266/2023 titled "Sanjeev Kumar v/s Anila Rani", filed by the respondent/husband, which is pending in the courts at Patiala and she seeks transfer of the same to the court of competent jurisdiction at Ludhiana.

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

Counsel for the parties heard.

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



applicant that the marriage between the parties was solemnized on 09.02.2019 and one girl child born from the said wedlock, aged about 5 years old, is in the care and custody of the applicant. On account of matrimonial dispute, the applicant along with her minor daughter, is residing at her parental family. The applicant has filed one petition i.e. MNT/237/2024 titled “Anila Rani and another v/s Sanjeev Kumar, under Section 125 Cr.P.C., which is pending in the courts at Ludhiana. Besides the same, it is submitted that there is no other litigation pending between the parties to the lis. Also, it is submitted that the distance between Patiala and Ludhiana, is about 100 kms. As such, it is difficult for the applicant to pursue the petition under Section 9 of Hindu Marriage Act, if remained pending at Patiala.

On the contrary, counsel for the respondent submits that it shall be too harsh for the respondent also, if the transfer application is accepted.

In view of the submissions aforesaid and considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is not having any source of earning and is dependant upon her parental family and also taking care of the minor daughter as well as considering the fact about the petition under Section 125 Cr.P.C., already pending in the Courts at Ludhiana, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/1266/2023 titled “Sanjeev Kumar v/s Anila Rani”, filed by the respondent/husband, stands transferred from the Family Court, Patiala to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Patiala to the District and Sessions Judge, Ludhiana.



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

05.05.2025

Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No