



TA-1440-2025

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

Sr. No.203

TA-1440-2025

Date of Decision: 01.05.2026

SONI

....Applicant

Versus

ASHIF ALI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sanyam Khetarpal, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the previous order, despite service, respondent had not made appearance. Even today, there is no representation on behalf of the respondent. As such, the respondent is hereby proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the divorce petition under the Muslim Law i.e. DMC/93/2023, titled '*Aashif Ali Vs. Soni*', filed by the respondent-husband, pending in the Family Court (Camp Court) Ferozepur Jhirka, District Nuh and she seeks transfer of the same to the Court of competent jurisdiction at Faridabad.

It is submitted by the counsel for the applicant that the marriage between the parties to the *lis*, had taken place on 18.10.2022 and one son was born from the estranged marriage on 03.09.2023, who is presently in the



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care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she together with her minor son, is dependent upon her parental family. Furthermore, the counsel also submits that the applicant got lodged the FIR bearing No.114 dated 07.07.2023 under Sections 323, 406, 498A, 34 of IPC, registered at Women Police Station, NIT, Faridabad, wherein challan has been presented and respondent is facing trial in the Courts at Faridabad. Besides the same, the petition under the Protection of Women from Domestic Violence Act, 2005 i.e. COMA/607/2023, was also filed against the respondent, which is pending in the Courts at Faridabad and the respondent is making appearance in the same. Also, petition under Section 125 of Cr.P.C. was filed, which was decided *ex parte* by the Courts at Faridabad, in favour of the applicant and despite the said order passed, the respondent had not paid any maintenance to the applicant, as a result whereof, she was constrained to file execution petition, which is now pending adjudication in the Courts at Faridabad. The distance between the two places is stated to be 90 kilometres.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, relating to matrimonial dispute, the Courts generally lean towards the convenience of the wife, though, it may not be a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. The most weighing factor to be considered in the present case, is about the applicant taking care of her child, while she herself has no source of earning.



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Definitely, doing singular parenting must be an arduous task for the applicant. As many as three other litigation, qua the estranged marriage, are already pending in the Courts at Faridabad, which are pursued by the respondent, more particularly, the criminal case, wherein he is required to make appearance, on each and every date of hearing. Even, the respondent had not bothered to pursue the petition under Section 125 of Cr.P.C., which was decided *ex parte*. Thereafter also, he had not given any maintenance to the applicant.

Considering the aforesaid circumstances and also taking into consideration the distance between the two places, the transfer application is allowed and the divorce petition under the Muslim Law i.e. DMC/93/2023, titled '*Aashif Ali Vs. Soni*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Ferozpur Jhirka, District Nuh, to the Court of competent jurisdiction at Faridabad. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Ferozpur Jhirka, District Nuh, to the District and Sessions Judge, Faridabad.

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

(ARCHANA PURI)
JUDGE

01.05.2026

Preeti S.

Whether speaking/reasoned : Yes
Whether reportable : Yes/No