

TA No.1468 of 2025

2026:PHHC 094882



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

280

Transfer Application No.1468 of 2025 (O&M)
Date of Decision: 13.07.2026

RAJBIR KAUR**.....Applicant****Vs****HARPAL SINGH AND ANR.****.....Respondent(s)****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Uday Singh Cheema, Advocate for
Mr. Vivek K. Thakur, Advocate for the applicant.

Mr. G.S. Kaushal, Advocate for
Mr. P.S. Bajwa, Advocate
for the respondents.

HARKESH MANUJA, J. (Oral)

1. The applicant-wife, by way of present application, seeks transfer of case bearing *HMA/480/2025*, titled “*Harpal Singh vs. Rajbir Kaur and another*”, filed under Section 13 of the Hindu Marriage Act, 1955 (hereinafter to be referred as “divorce petition”) at the instance of respondent-husband; from the Court of learned Principal Judge, Family Court, Moga to the learned Court of competent jurisdiction at Kapurthala.

2. Briefly stating, the marriage between the applicant and respondent No.1 was solemnized on 07.02.2015; out of this wedlock, a male child namely, Harmanpreet Singh was born on 27.08.2016; On account of matrimonial discord between the parties, the above mentioned divorce petition came to be preferred at the instance of respondent-husband. Thereupon, the present application seeking transfer thereof came to be filed by the applicant-wife.



TA No.1468 of 2025

3. Learned counsel for the applicant, *inter alia*, contends that the applicant-wife is residing in her parental house. Accordingly, a prayer is made for transfer of the above mentioned divorce petition filed at the instance of respondent-husband from the Court of learned Principal Judge, Family Court, Moga to the learned Court of competent jurisdiction at Kapurthala.

4. On the other hand, learned counsel for the respondents vehemently opposes the prayer made on behalf of the applicant.

5. I have heard learned counsel for the parties and gone through the paper-book.

6. In the present case, admittedly, the applicant-wife has filed a petition under Section 144 of BNSS, 2023 for grant of maintenance along with an application for interim maintenance, which is pending before the learned Principal Judge, Family Court, Kapurthala.

7. As per the averments made in the present transfer application, the applicant-wife alongwith her minor son is residing at her parental house and has no independent source of income. The applicant is facing great difficulty in bearing the litigation charges and travelling expenses in pursuing the said case and for the financials, she is totally dependent upon her parents.

8. Furthermore, the Hon'ble Supreme Court in its decision rendered in ***Manjula Singh Chouhan Versus Vishal Singh Chouhan***, reported as "**2019 (13) SCC 660**" held that, in the interest of both the parties, all connected matrimonial proceedings should ordinarily be heard by the same Court and, accordingly, allowed the transfer application therein. Relevant paragraph nos.3 to 5 are extracted hereunder:-



“3. As per the submission of the appellant, two cases are already pending in Family Court, Bhopal, and it will be in the interests of both the parties to try all their cases in Bhopal. Learned counsel for the respondent however, submits that it will suit to the appellant only, therefore, transfer may not be permitted. The fact remains that the respondent has to travel to Bhopal for conduct of other cases pending in Family Court, Bhopal.

4. We are of the view that it will be in the interests of both the parties that all their cases be heard together by the same Court.

5. Therefore, H.M.A. Case No.71/2016 is transferred from Family Court, Indore to the Family Court, Bhopal.”

9. Considering the aforesaid facts and circumstances, in the humble opinion of this Court, since a petition under Section 144 of BNSS, 2023 for grant of maintenance along with an application for interim maintenance is pending adjudication at Kapurthala, therefore, it would be in the interest of both the parties that all their cases be heard together at the same place. Consequently the transfer application is **allowed** and the divorce petition under Section 13 of the Hindu Marriage Act i.e. *HMA/480/2025*, titled “*Harpal Singh vs. Rajbir Kaur and another*”, filed by the respondent-husband, stands transferred from the Court of learned Principal Judge, Family Court, Moga to the learned Principal Judge, Family Court, Kapurthala.. The requisite record of the aforesaid case be sent by the learned Family Court, Moga to the Court concerned.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 13, 2026
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No