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2025:PHHC:177195



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

Sr. No.109

TA-21-2025

Date of Decision: 22.12.2025

GAGANDEEP KAUR

....Applicant

Versus

AMANDEEP SINGH BHATTI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Prachi Gupta, Advocate
for the applicant.

Mr. Mohit Gupta, 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. HMA/266/2024, titled '*Amandeep Singh Bhatti Vs. Gagandeep Kaur*', filed by the respondent-husband, pending in the Family Court, SAS Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Khanna, District Ludhiana.

In pursuance of notice issued, the respondent made appearance through counsel and filed 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 to the lis, had taken place on 03.03.2013. Two children were born from the said wedlock, one daughter and one son, who are about 11 years and 2 years old. Both the said children



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are in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and as such, is dependent upon her widow mother. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Khanna and the respondent is making appearance in the same. The respondent is stated to be working as 'Assistant Lineman' in PSPCL Department, SAS Nagar. The distance between the two places is stated to be about 60 kms.

On the other hand, counsel for the respondent submits that the respondent was always ready to settle the matter amicably, but there was no inclination on the part of the applicant, to settle the matter. In the given circumstances, it is submitted that it shall be too harsh for the respondent also, to pursue the litigation, if the transfer application is accepted.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute, 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. In the case in hand, the applicant is not having any source of earning and she is also taking care of two children, born from the wedlock of the parties. The petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, filed by the applicant, is pending in the Courts at Khanna.

On query by this Court, it is disclosed by both the counsel that the parties are residing separate, since 2023. On further query, counsel for the respondent has admitted that till date, no maintenance has been paid by



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the respondent to the applicant, though, he submits that he has made several efforts to meet the children. May it be so. The applicant is not having any source of earning. One litigation arising from the estranged marriage, is already pending in the Courts at Khanna. Also, the applicant must be facing challenges, while taking care of the children, who are in her custody.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/266/2024, titled '*Amandeep Singh Bhatti Vs. Gagandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court, SAS Nagar, to the Court of competent jurisdiction at Khanna, District Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, SAS Nagar, to the District and Sessions Judge, Ludhiana.

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

22.12.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No