



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

Sr. No.206**TA-25-2025****Date of Decision: 10.11.2025****JATINDER PAL KAUR****....Applicant****Versus****AMRINDER SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Achin Gupta, Advocate
for the applicant.

Mr. P.K.S. Phoolka, Advocate
for the respondent.

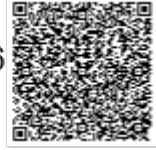
ARCHANA PURI, J. (Oral)

At this stage, counsel for the respondent submits that he does not intend to file reply to the transfer application, though he contests the same.

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, titled '*Amrinder Singh Vs. Jatinder Pal Kaur*', filed by the respondent-husband, pending in the Family Court, Sri Muktsar Sahib and she seeks transfer of the same to the Court of competent jurisdiction at Faridkot.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 26.11.2006. One son born from the said wedlock, who is about 17 years old, is in the care and custody of the respondent-husband. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of

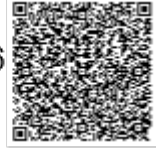


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earning and as such, she is dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Faridkot and the respondent is making appearance in the same. In fact, it is also submitted that if the applicant pursues the petition under Section 9 of the Hindu Marriage Act, at Sri Muktsar Sahib, she has danger to her life at the behest of the respondent-husband. On query, it is submitted that the distance between the two places is about 35 kms.

On the other hand, counsel for the respondent, who has not filed reply, anyhow submits that the distance is not such, which causes inconvenience to the applicant, to defend the litigation. Even, it is submitted that the allegation, with regard to the threat, is also quite vague. There is no material coming forth, to substantiate this version of threat, at the behest of the respondent.

In view of the submissions aforesaid, it is pertinent to mention that even though, generally the Courts lean towards convenience of the wife, while adjudicating on the transfer application relating to the matrimonial dispute, but however, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. One distinctive circumstantial fact may lead to the different conclusion of the transfer application. As such, each case has to be decided in its own factual background. In the case in hand, the marriage is about 20 years old and there is one son born from the said wedlock, who is about 17 years old. Though, in paragraph No.1 of the application, at first instance, the applicant has stated about the son to be residing with the respondent-husband, but however, in the subsequent sentence, she states



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about the difficulty to maintain herself and the child. In view of this contrary version coming forth, on query by this Court, it is submitted by the counsel for the applicant that the child is in the care and custody of the respondent.

In the light of the aforesaid, it is pertinent to mention that even though, the applicant had asserted about herself to be having no source of earning and dependent upon her parental family, but the distance is only 35 kms. Even, there is good transport connectivity in that part of the State. On further query by this Court, counsel for the applicant was unable to state about any effort made by the applicant to meet the child.

Considering the aforesaid fact situation, more particularly, considering the fact about the son born from the wedlock of the parties to the lis, to be in the care and custody of the respondent-husband and also considering the distance between the two places, no justifiable reason is spelt out to accept the application.

Hence, the transfer application is hereby dismissed.

10.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No