



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

Sr. No.112

TA-49-2025 (O&M)

Date of Decision: 23.12.2025

JASJEET KAUR

....Applicant

Versus

KANWALDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Anshul Sharma, Advocate
for the applicant.

Mr. Aminder Singh, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-25809-CII-2025

The present application has been filed at the behest of the applicant, for placing on record the medical record of the child, FIR bearing No.17 dated 03.03.2025, as Annexures A-4 to A-6.

In view of the averments made in the application, same is allowed and the requisite documents are taken on record.

Main case

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/430/2024, titled '*Kanwaldeep Singh Vs. Jasjeet Kaur*', filed by the respondent-husband, pending in the Family Court, Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.



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 02.03.2018. However, on account of the matrimonial dispute, the parties are residing separate. One daughter born from the said wedlock, who is about 5 years old, is in the care and custody of the applicant. The said child is suffering from 'autism' and is undergoing treatment from Spectrum Therapeutic Intervention Centre (for Children with Special Needs), Kharar. The applicant is though, employed as a 'Constable' in Chandigarh Police, but however, on account of the medical ailment of the daughter, it is difficult for her, to pursue the divorce petition, filed at the instance of the respondent. Also, it is submitted that there is another case filed by the applicant i.e. the petition under the Protection of Women from Domestic Violence Act i.e. DV/211/2024, which is pending in the Courts at Chandigarh and the respondent is making appearance in the same.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant is a working woman and she is employed as 'Constable' in Chandigarh Police. Therefore, she should not be facing any difficulty to pursue the divorce petition, which is of civil nature. Regarding the child suffering from autism, it is submitted that not everyday, the treatment is required, for her ailment. As such, the applicant, can very conveniently pursue the divorce petition, more particularly, when she is not required to make appearance on each and every date of hearing.



In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while adjudicating on 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. Each case has to be decided in its own factual background. One distinctive circumstance may change the decision of the transfer application. Various factors, such like, the children born from the wedlock of the parties, if any; which spouse is having the custody of the children; the capacity of the said spouse, who is having custody of the child, to upbringing the child; the distance between the two places and so on and so forth, are required to be taken into consideration and then balancing of convenience/inconvenience of both the parties has to be done. In the case in hand, the most relevant and weighing factor, is the custody of the daughter, who is about 5 years old, to be with the applicant, more particularly, when she is suffering from 'autism'. In this regard, suffice to consider the certificate, Annexure A-4, issued by Spectrum Therapeutic Intervention Centre (for Children with Special Needs), situated in Kharar. To so substantiate about the treatment undergone, various receipts of the payment of medical expenditure etc., made by the applicant, have been placed on record.

Even though, the applicant is working as a 'Constable' and is financially independent, but however, this is one aspect. At the same time, while looking after her job exigencies, the applicant is also taking care of a special child. Many challenges are bound to be faced by her, as her job is very demanding and even the child suffering from 'autism' must be posing



several challenges before her, in bringing up, as well as taking care of the treatment of the child.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/430/2024, titled ‘*Kanwaldeep Singh Vs. Jasjeet Kaur*’, filed by the respondent-husband, stands transferred from the Family Court, Sangrur, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Sangrur, to the District and Sessions Judge, Chandigarh.

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

23.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No