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2025:PHHC:100284



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

Sr. No.246

TA-76-2025

Date of Decision: 05.08.2025

AMANDEEP KAUR

....Applicant

Versus

SARABJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. B.D. Sharma, Advocate
for the applicant.

Mr. H.S. Batth, 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/51/2024, titled '*Sarabjit Singh Vs. Amandeep Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Khadoor Sahib, District Tarn Taran and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

Upon notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.

It is submitted that the marriage between the parties to the lis, had taken place on 25.11.2012. Also, it is submitted that three children were born from the said wedlock, two daughters and one son, who are in the



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age group of 6-12 years. They all are in the care and custody of the applicant. Furthermore, it is submitted that the applicant is not having any source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Jalandhar and the respondent is pursuing the said petition.

On the other hand, the counsel for the respondent resisted the claim for transfer, as he submits that the distance between the two stations is only 50 kilometres. In the given circumstances, the applicant can very well pursue the litigation, pending at Khadoor Sahib.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts given weightage to convenience of the wife, while considering the transfer application relating to the matrimonial dispute. Though, it may not be a thumb rule, but however, 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 three children born from the said wedlock, who are in the age group of 6-12 years, are in the care and custody of the applicant. Though, much emphasis has been laid on the distance between the two places, where the petition is pending and where it is proposed to be transferred, to be about 50 kilometres, but, the distance is one of the factors, which is required to be considered, while dealing with the transfer application, relating to the matrimonial dispute. However, as observed aforesaid, the weighing factor in the present case is the custody of the three children. Their upbringing is taken care of by the applicant, who is herself



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not having any source of earning. This factor itself, in the present scenario, is sufficient to allow the transfer application.

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/51/2024, titled '*Sarabjit Singh Vs. Amandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Khadoor Sahib, District Tarn Taran, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Khadoor Sahib, to the District and Sessions Judge, Jalandhar.

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

05.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No