



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

Sr. No.102 (2 cases)

Date of Decision: 21.11.2025

1. TA-119-2024

GURPREET KAUR

....Applicant

Versus

AMANDEEP SINGH

.....Respondent

2. TA-493-2024

GURPREET KAUR AND OTHERS

....Applicants

Versus

AKWINDER KAUR @ RAJWINDER KAUR & OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

**Present:- Mr. Sahil Vashisht, Advocate
for the applicants (in both the applications).**

**Mr. Shubham Verma, Advocate for
Mr. Sunny K Singla, Advocate
for the respondent (in TA-119-2024) and
for respondent No.2 (in TA-493-2024).**

ARCHANA PURI, J. (Oral)

**These are two applications filed by Gurpreet Kaur-applicant, for
seeking transfer of the litigation, pending between the parties to the lis.**



TA-119-2024 & TA-493-2024

TA-119-2024 has been filed by the applicant, for seeking transfer of the petition under Section 11 and 12 of the Hindu Marriage Act i.e. HMA/146/2023, titled '*Amandeep Singh Kaler v/s Gurpreet Kaur*'.

TA-493-2024 has been filed by the applicant and her family members, for seeking transfer of the civil suit titled '*Akwinder Kaur @ Rajwinder Kaur and another v/s Gurpreet Kaur and others*', filed at the instance of the sister of her husband, namely, Akwinder Kaur @ Rajwinder Kaur.

Both the aforesaid cases are pending in the Courts at Malerkotla and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Fatehgarh Sahib.

In pursuance of the notice issued, respondent made appearance through counsel in both the applications and filed the respective replies.

For the convenience of the discussion, the facts are taken from the transfer application i.e. TA-119-2024.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the applicant got married to Amandeep Singh, on 01.01.2014 and one daughter born from the said wedlock, is in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is dependent upon her parental family. She has filed petition under Section 125 Cr.P.C. as well as petition under Section 13 of Hindu Marriage Act and also one civil suit against the respondent, for seeking permanent injunction, to restrain him from interfering in the house in her possession. The said litigation are pending in the courts at Fatehgarh Sahib and the respondent is pursuing all the said cases. Also, it is submitted that in counterblast to the aforesaid



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litigation, the respondent had also filed a suit for permanent injunction titled “Amandeep Singh Kaler v/s Gurpreet Kaur and others” and the applicant had filed TA-1127-2023, which was decided on 13.12.2023, whereby the aforesaid suit filed was transferred from Malerkotla to the courts at Fatehgarh Sahib. The distance between the two places is stated to be 65 kms.

On the other hand, counsel for the respondent while making reference to the reply submits that the distance is not such, which calls for transfer of the case. Otherwise also, there is good transport connectivity between the two stations.

Even though, the civil suit has been filed by Akwinder Kaur @ Rajwinder Kaur, who is the sister of the husband of the applicant, but however, seemingly, the said suit is also an outcome of the matrimonial dispute between the applicant and her husband.

Considering the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while adjudicating the transfer application relating to the matrimonial dispute. 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 and then some balancing of convenience/inconvenience of both the sides, ought to be made.

In the case in hand, there is one girl child born from the estranged marriage, who is in the care and custody of the applicant, who is 9 years old, at present and is studying in the school at Fatehgarh Sahib. The applicant is not having any source of earning. Moreover, the civil suit filed at the instance of the respondent, already stood transferred from Malerkotla



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to Fatehgarh Sahib. On query by the court, it has also been disclosed that the respondent is pursuing the said suit.

Considering the aforesaid circumstances and also taking into consideration the fact about the injunction suit, having earlier filed at the instance of the respondent-Amandeep Singh, to have already been transferred from Malerkotla to Fatehgarh Sahib and the subsequent suit filed at the instance of Akwinder Kaur, sister of Amandeep Singh, relating to the same property, to have been filed again at Malerkotla, both the transfer applications are hereby allowed and petition under Section 11 and 12 of the Hindu Marriage Act i.e. HMA/146/2023, titled '*Amandeep Singh Kaler v/s Gurpreet Kaur*' as well as the civil suit titled '*Akwinder Kaur @ Rajwinder Kaur and another v/s Gurpreet Kaur and others*', stand transferred from the courts at Malerkotla to the court of competent jurisdiction at Fatehgarh Sahib. The requisite record of the aforesaid cases be sent by the courts at Malerkotla to the District and Sessions Judge, Fatehgarh Sahib.

Learned District and Sessions Judge, Fatehgarh Sahib, shall assign the said petition to the court of competent jurisdiction at Fatehgarh Sahib. Even, the parties are directed to appear before the concerned courts, within a period of one month from today onwards.

21.11.2025

Sonu Saini

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No