



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.203

TA-180-2025

Date of Decision: 11.11.2025

HARPREET KAUR

....Applicant

Versus

CHARANJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Parunjeet Singh, Advocate
for the applicant.

Mr. Digvijay Nagpal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1253/2024, titled '*Charanjit Singh Vs. Harpreet Kaur*', filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

Upon 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 03.08.2014, but no child was born from the said wedlock. Further, it is submitted that unfortunately, both the kidneys of the applicant had failed and she was constrained to undergo dialysis and remained under observation.

Also, the counsel makes reference to the discharge summary, copy whereof



TA-180-2025

is Annexure P-4. As a result of the said ailment, the dispute arose between the parties and since February 2020, the applicant is residing at her parental place. She is not having any source of earning. On account of these constrained circumstances, the applicant had also filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which has since been decided by the Family Court, Chandigarh, vide judgment dated 01.08.2022, copy whereof is Annexure P-2. Vide the said judgment, the respondent was directed to make payment, to the tune of Rs.10,000/- per month. Also, it is submitted that in the aforesaid judgment, the factum of renal failure of the applicant, was also noticed by the Court. Also, it is submitted that despite the order of maintenance, passed by the Court, no maintenance has been paid by the respondent. On account of her ill-health, the applicant is not in a position to pursue the litigation pending at Patiala.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant, even though, had kidney problem, but however, one kidney had been donated by the mother of the respondent and now, she is hale and hearty. Furthermore, it is submitted that the petition under Section 9 of the Hindu Marriage Act, was also filed, which was decided *ex parte* against the applicant. Copy of the order passed in the said petition is Annexure R-1.

In view of the submissions aforesaid, it is pertinent to mention that the Courts, generally 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. However, various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. From the discharge summary (Annexure P-4), it is evident



that the applicant is suffering from chronic kidney disease and hemodialysis is carried out. On query by this Court, it is stated by the counsel for the applicant that even though, kidney was donated, but the same did not adjust to the body of the applicant and she is still undergoing hemodialysis, three times a week.

Considering the aforesaid ailment of the applicant, obviously the applicant is not in a position to pursue the litigation, pending in the Courts at Patiala. Besides the ill health, also it is pertinent to note that the respondent has not paid any maintenance to the applicant, despite the order passed by the Court.

Considering the aforesaid factual position, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1253/2024, titled '*Charanjit Singh Vs. Harpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Patiala, 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.

11.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No