



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

Sr. No.259

TA-249-2024

Date of Decision: 07.04.2025

NAVNEET KAUR

....Applicant

Versus

GURPREET SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Mr. R.M. Sharma, 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/4/2024, titled '*Gurpreet Singh Vs. Navneet Kaur*', filed by the respondent-husband, pending in the Family Court, Sunam, District Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

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

The 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 07.02.2023, but no child was born from the said wedlock. On account of the



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matrimonial dispute, the parties are residing separate. The applicant has no source of earning. She has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/2029/2023, which is pending in the Courts at Patiala. Also, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Patiala. In both the cases, the respondent is making appearance. In the given circumstances, it is submitted that it is difficult for the applicant, to defend the petition under Section 9 of the Hindu Marriage Act, pending in the Courts at Sunam, more particularly, when she is not having any source of earning.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that it shall be too harsh for the respondent also, if the petition under Section 9 of the Hindu Marriage Act is transferred.

In view of the submissions aforesaid, considering the position of law about preference given to the convenience of the wife in the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is not having any source of earning and also considering the fact about two other cases, arising from the matrimonial dispute, already pending in the Courts at Patiala, which are pursued by the respondent, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/4/2024, titled '*Gurpreet Singh Vs. Navneet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Sunam, District Sangrur, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court, Suman, to the District and Sessions Judge, Patiala.

Learned District and Sessions Judge, Patiala, shall assign the



said petition to the Family Court, Patiala. Even, the parties are directed to appear before the Family Court, Patiala, within a period of one month from today onwards.

07.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No