

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

Sr. No.118

TA-227-2025

Date of Decision: 23.07.2025

KAWALJIT KAUR @ KANWALJIT KAUR @ KAMALJEET KAUR

....Applicant

Versus

SANDEEP SINGH

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. K.S. Brar, Advocate
for the applicant.

Ms. Rakhi Sharma, Advocate
for the respondent.

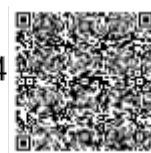
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1847/2024, titled '*Sandeep Singh Vs. Kamaljeet Kaur*', filed by the respondent-husband, pending in the Family Court, Ferozepur and she seeks transfer of the same to the Court of competent jurisdiction at Faridkot.

Upon notice issued, 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 02.03.2014. On account of the matrimonial dispute, the parties are residing separate. One son born from the said wedlock, who is about 10 years old, has been forcibly taken away by the respondent. The applicant is not having



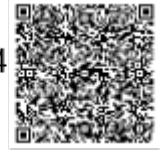
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any source of earning. Even, she has filed the petition under Section 125 Cr.P.C. and the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Faridkot. Both the said petitions are pursued by the respondent. The applicant is a resident of Kotkapura, which is at a distance of about 50 kilometres from Ferozepur. In the given circumstances, it is submitted that it is difficult for the applicant to pursue the divorce petition, at Ferozepur.

On the other hand, the counsel for the respondent, while making reference to the reply filed, resisted the claim for transfer of the divorce petition. It is submitted that the respondent is taking care of the minor son and the distance is not such, which calls for acceptance of the transfer application.

On query by the Court, it is submitted by the counsel for the respondent that the parents of the respondent are also residing with him.

In view of the submissions made aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, while considering the transfer application relating to the matrimonial dispute. Though, it is not be a thumb rule, but however, various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. Each case has to be decided in its own factual background. There has to be circumstantial flexibility, as one distinctive factor in the case, may lead to a different conclusion on the transfer application. In the case in hand, there is one son born from the wedlock, who is in the custody of the respondent. At the same time, it is also pertinent to mention that the applicant is not having any source of earning and she had filed the petition under Section 125 Cr.P.C., as well as the



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petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Faridkot and the respondent is pursuing the same.

In view of the aforesaid fact situation and weighing the convenience/inconvenience of the parties, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1847/2024, titled '*Sandeep Singh Vs. Kamaljeet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Ferozepur, to the Court of competent jurisdiction at Faridkot. The requisite record of the aforesaid case be sent by the Family Court, Ferozepur, to the District and Sessions Judge, Faridkot.

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

23.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No