



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.174 (2 cases)

Date of Decision: 26.11.2025

1. TA-300-2024

BALJIT KAUR

....Applicant

Versus

JATINDER SINGH @ HAPPY

.....Respondent

2. TA-589-2024

BALJIT KAUR

....Applicant

Versus

HARBHAJAN KAUR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Varun Veer Chauhan, Advocate
for the applicant (in TA-300-2024).

Mr. Rajesh Dhiman, Advocate
for the applicant (in TA-589-2024).

None for the respondent (in TA-300-2024).

None for respondent No.1 (sole contesting respondent)
(in TA-589-2024).



ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 20.11.2025, despite service, the contesting respondent in respective applications, did not make appearance on that date. Even today, they have not made appearance. As such, the contesting respondents in the respective applications, are proceeded against *ex parte*.

Counsel for the applicant in the respective applications heard.

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

TA-300-2024 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1362/2023, titled '*Jatinder Singh @ Happy Vs. Baljit Kaur*', filed by the respondent-husband.

TA-589-2024 has been filed by the applicant/daughter-in-law, for seeking transfer of the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/818/2023, titled '*Harbhajan Kaur Vs. Baljit Kaur*', filed by respondent No.1 (mother-in-law of the applicant).

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

For the convenience of discussion, the facts shall be referred to, as pleaded in TA-300-2024.



It is evident that the marriage had taken place between the applicant and Jatinder Singh @ Happy, on 15.03.2009. One son was born from the said wedlock, who is in the care and custody of the husband- Jatinder Singh @ Happy. However, it is submitted by both the counsel that there is a matrimonial dispute between the applicant, as well as her husband, as a result whereof, the respondent/husband has filed the divorce petition. The applicant is not working and as such, she is totally dependent upon her parental family. The distance between Samana, District Patiala and Karnal, is about 120 kms., on one side.

Also, relating to TA-589-2024, besides making similar submissions, as recorded aforesaid, counsel has also submitted that respondent No.1-Harbhajan Kaur, who is mother-in-law of the applicant, has not made appearance, to contest the transfer application.

In view of the submissions aforesaid, it is pertinent to mention that while considering the transfer application, relating to the matrimonial dispute, lenient view is taken by the Courts, in favour of the wife. However, 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 balancing of convenience/inconvenience of the parties, is required to be made. However, each case has to be adjudicated in the backdrop of its own factual position and one distinctive circumstance may change the fate of the transfer application. In the cases in hand, though there is mention made about the birth of one male child, but however, the age of the child is not mentioned. Even, both the counsel are unable to state about the age of the



son born from the wedlock of the applicant and the respondent/husband. Anyhow, the said child is asserted to be residing with the husband. Though, this is a weighing fact, but however, since the age of the child is not coming forth, it is difficult to ascertain about the difficulty, to be faced at the instance of the respondent in pursuing the litigation, while taking care of the child. Even, there is another litigation, filed at the instance of the applicant, which is complaint under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Samana, District Patiala.

On query by this Court, it is stated by the counsel for the applicant that mother-in-law, namely, Harbhajan Kaur, has filed the complaint under Section 12 of the Protection of Women from Domestic Violence Act, separately and the same is pending in the Courts at Karnal. Also, it is brought to the notice of this Court that the respondents are not making appearance in the petition filed under the Protection of Women from Domestic Violence Act, pending in the Courts at Samana.

Considering the aforesaid circumstances, more particularly, considering the fact that the respondents themselves have not made appearance in both the transfer applications, to resist the claim for transfer of the cases, both the transfer applications i.e. TA-300-2024 and TA-589-2024, are allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1362/2023, titled '*Jatinder Singh @ Happy Vs. Baljit Kaur*' and the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/818/2023, titled '*Harbhajan Kaur Vs. Baljit Kaur*',



TA-300-2024 AND TA-589-2024

stand transferred from the Courts at Karnal, to the Court of competent jurisdiction at Samana, District Patiala. The requisite record of the aforesaid cases be sent by the Courts concerned, to the District and Sessions Judge, Patiala.

Learned District and Sessions Judge, Patiala, shall assign the said cases to the Courts of competent jurisdiction at Samana. Even, the parties are directed to appear before the concerned Courts, within a period of one month from today onwards.

26.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

Yes/No