



TA-284-2025 (O&amp;M)

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

**Sr. No.114**

**TA-284-2025 (O&M)  
Date of Decision: 15.09.2025**

**SIMRAN KAUR BHALLA**

**....Applicant**

**Versus**

**JASMEEN SINGH BANGA**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. V.K. Sachdeva, Advocate  
for the applicant.

Mr. Saurabh Kapoor, Advocate  
for the respondent.

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**ARCHANA PURI, J. (Oral)****CM-16803-CII-2025**

The present application has been filed at the behest of the respondent, for placing on record reply to the transfer application.

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

**Main case**

The applicant-mother has filed the present application for seeking transfer of the petition under Sections 7, 8, 25 and 26 of the Guardians and Wards Act, 1890, i.e. GW/221/2023, titled '*Jasmeen Singh Vs. Simran Kaur*', filed by the respondent-father (husband of the applicant), pending in the Family Court, Ludhiana and she seeks transfer of the same to



the Court of competent jurisdiction at Ambala.

In pursuance of 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 of the applicant and respondent, had taken place on 19.01.2020. One daughter born from the said wedlock, who is about 4 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate and they are entangled in litigation. It has been pointed out by the counsel for the applicant that the applicant has got lodged an FIR bearing No.606 of 2022, under Sections 323, 406, 498-A, 506 and 34 IPC, at Police Station Mahesh Nagar, Ambala, wherein challan has been presented and now, the case is fixed for framing of charges against the respondent, who is making appearance. Even, the applicant has filed the petition under the Protection of Women from Domestic Violence Act i.e. DV/200/2023, as well as the petition under Section 125 Cr.P.C. i.e. MNT/98/2023, which are pending in the Courts at Ambala and the respondent is making appearance in the same. Besides the aforesaid, it is submitted that the applicant is not having any source of earning and she together with the minor daughter, is dependent upon her parental family.

Furthermore, it is submitted by the counsel for the applicant that the guardian petition had been falsely filed at Ludhiana, even though, the child was residing at Ambala and therefore, there was no territorial jurisdiction. On the basis thereof, the applicant had filed an application



under Order 7 Rule 11 CPC, which has since been dismissed by learned Family Court, vide order dated 03.12.2024, copy whereof is Annexure P-4. The distance between the two places is stated to be about 100 kilometres.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the transfer application has been filed on the false grounds. In fact, counsel submits that since the application under Order 7 Rule 11 CPC was dismissed by learned Family Court, the transfer application has been filed only to counter the order, so passed by the Court and therefore, no ground is made out for allowing the application. Also, it is submitted that the applicant is an educated woman and is also working. In paragraph No.6 of the reply, the aforesaid assertion, with regard to education, as well as the applicant being a working lady, has been mentioned, but however, no material facts have been given, with regard to the working status of the applicant.

On query by this Court, counsel for the applicant had again reiterated that the applicant is not working and as such, has no source of earning. She is stated to be dependent upon her parental family. Considering the same, it is evident that the working status of the applicant, as asserted by the respondent, does not stand established.

In view of the submissions aforesaid, it is pertinent to mention that the Courts generally given preference to the convenience of wife. In the case in hand, the most weighing factor is the custody of the daughter, who is about 4 years old at present, being with the applicant/mother. The applicant is taking care of the daughter, while herself having no source of earning. Besides the same, three cases arising from the matrimonial dispute of the



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parents of the subject child, are pending in the Courts at Ambala, which are being pursued by the respondent, more particularly, the criminal case, wherein he is required to make appearance on each and every date of hearing.

Considering all the aforesaid circumstances, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Sections 7, 8, 25 and 26 of the Guardians and Wards Act, 1890, i.e. GW/221/2023, titled '*Jasmeen Singh Vs. Simran Kaur*', filed by the respondent-father (husband of the applicant), stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Ambala. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Ambala.

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

**15.09.2025**

Himanshu Vats

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No