

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

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TA-360-2024(O&M)

Date of Decision: May 22, 2025

Kuldeep Kaur

...Applicant

Versus

Gurpreet Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Rishu Garg, Advocate
for the applicant.

Mr.Shamsher Singh Gill, Advocate
for the respondent.

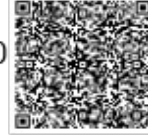
ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband bearing No.HMA-13-2024, titled 'Gurpreet Singh vs. Kuldeep Kaur', which is pending in the Family Court (Camp Court), Payal, District Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Mansa.

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

Learned counsel for the parties heard.

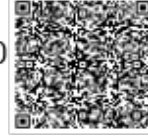
At the very outset, it is submitted by learned counsel for the

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applicant that marriage between the parties to the lis, had taken place on 30.03.2008. Three sons were born from the said wedlock on 30.10.2009, 30.05.2011 and 19.12.2012. However, on account of matrimonial dispute, the parties are residing separate. Two of the sons, who are aged about 11 years and 14 years, are living with the applicant. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of 130 kms. to defend the divorce petition.

However, on the other hand, learned counsel for the respondent, while making reference to the reply filed, has submitted that there is concealment of the material facts, at the behest of the applicant. In fact, there was compromise effected between the parties on 07.09.2022, copy whereof is Annexure R-2 and fact of this compromise has not been disclosed by the applicant in the transfer application. In clause 4 of the said compromise, there is mention made about two children, residing with their maternal grandparents. However, qua the said two children, the applicant asserts to be living with her. As to when the custody of the said children was taken by the applicant, the same has not been disclosed. Moreover, learned counsel for the respondent submits that the applicant is having an adulterous relationship and she had sent photographs of herself with her paramour, on the Whatsapp of the respondent, which have been annexed with reply as Annexure R-3.

In fact, it is submitted that looking at the conduct of the applicant, more particularly, when she has concealed the fact of compromise earlier reached, on the basis whereof, it is evident that two of the children



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are residing with the maternal grandparents, the application should be dismissed.

During the course of arguments, learned counsel for the applicant made disclosure that the applicant was working, but however, there is no fact coming forth, as to whether the applicant is working or not, at present. Considering the fact of her not having any source of earning, specifically having mentioned in the application, also it is pertinent to mention that there is concealment of arrival of the compromise between the parties, prior to living separate, copy whereof is Annexure R-2 and the mention of this compromise has not been made by the applicant in the transfer application. This also contains the recital about two of the children born from this estranged marriage, to be living with maternal grandparents, which fact, has also not been disclosed by the applicant in her application. Rather, she had wrongfully asserted about both the said children to be residing with her.

Considering this manner of concealment of material facts and also considering the photographs coming on record, without making mention about the person, with whom the photographs had been clicked, it is quite obvious about the applicant to be an educated and confident girl.

In the given circumstances, no ground is made out for allowing the transfer application. As such, the same is hereby dismissed.

May 22, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No