



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.206

TA-510-2024

Date of Decision: 10.02.2025

RAMANDEEP KAUR

....Applicant

Versus

GAGANDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Piyush Sharma, Advocate
for the applicant.

Mr. Vipin Mahajan, 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. HMA/162/2023, titled '*Gagandeep Singh Vs. Ramandeep Kaur*', filed by the respondent-husband, pending in the Family Court, Baba Bakala, District Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Ferozepur.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

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



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applicant that the marriage between the parties to the lis, was solemnized on 24.03.2019. One daughter born from the said wedlock, is in the care and custody of the applicant. The applicant has no source of income and she is dependent upon her parental family. Also, it is submitted that on account of the matrimonial discord between the parties, the applicant has filed the petition under Section 125 Cr.P.C., titled '*Ramandeep Kaur and another Vs. Gagandeep Singh*', the petition under Section 9 of the Hindu Marriage Act and the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/30/2022, which all are pending in the Courts at Ferozepur and the respondent has made appearance in the said cases. Even, she has got lodged an FIR bearing No.1 dated 03.01.2022, under Sections 406 and 498-A IPC, at Police Station Women Cell, District Ferozepur and the respondent is facing trial relating to the same, in the Courts at Ferozepur. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 130 kilometres, to defend the divorce petition.

On the contrary, the counsel for the respondent has resisted the claim for transfer of the divorce petition. While making reference to the reply filed, he submits that the applicant has not come to the Court with clean hands. In fact, he submits that there is concealment of the material facts of the other litigation, pending in the Courts at Baba Bakala. In fact, the applicant had only made mention about the litigation filed at her instance, which is pending in the Courts at Ferozepur. However, she has concealed the fact about filing of civil suit i.e. CS/03/2022, by the applicant herself, which is pending in the Courts at Baba Bakala and the same is now pending for evidence of the applicant i.e. plaintiff.

Besides the aforesaid, the counsel for the respondent also



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submits that one criminal complaint bearing No.31/03.09.2022, was also filed by the respondent against the applicant, in the Courts at Baba Bakala. She has also been summoned in the said case. Furthermore, it is submitted that the copy of the summoning order is Annexure R-3. However, the applicant did make disclosure of the same. Even, on 10.07.2024, at the inception stage, in the present transfer application, no such disclosure was made, for the purpose of issuance of notice of motion. Also, it is submitted that even today, while making submissions, there was no mention made about the litigation aforesaid, pending at Baba Bakala, more particularly, when one suit has been filed by the applicant herself. In the given circumstances, it is submitted that there is concealment of material facts, having bearing on the decision of the present transfer application.

In view of the aforesaid submissions, it is pertinent to mention that even though, time and again, it has been held by the Courts that preference ought to be given to the convenience of the wife, in the transfer applications relating to the matrimonial dispute, but however, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration, while adjudicating on the transfer application. As stated aforesaid and looking at the Annexures, annexed with the reply filed at the behest of the respondent, it is evident that there is other litigation pending between the parties to the lis in the Courts at Baba Bakala. One civil suit the particulars whereof, have been given aforesaid, filed by the applicant herself, which is still pursued by her and is at the stage of recording of evidence of the applicant/plaintiff, she has not made any disclosure about the same. Even, the summoning order has been passed in the complaint filed by the respondent, which is also



pending in the Courts at Baba Bakala and no reference of the same has been made either in the pleadings or at the time of making submissions before this Court. Looking at the same, the intentional omission of the material facts, on the part of the applicant, is writ large and precisely on this account, no case is made out for allowing the application.

Hence, the transfer application is hereby dismissed.

10.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No