



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

Sr. No.101

TA-534-2024

Date of Decision: 19.09.2025

GURBAX KAUR

....Applicant

Versus

BALJINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Dr. Payel Mehta, Legal Aid Counsel
for the applicant.

Mr. B.S. Bhalla, 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/06/2023, titled '*Baljinder Singh Vs. Gurbax Kaur*', filed by the respondent-husband, pending in the Family Court, Moga and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

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 between the parties to the lis, had taken place on 25.05.2009. One daughter born from the said wedlock, who is about 15 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning and as such, is dependent upon her parental family. It is submitted that the petition under the Protection of Women from Domestic Violence Act i.e. COMA/156/2024, filed by the applicant, is already pending in the Courts at Jalandhar. She had earlier filed the petition under Section 125 Cr.P.C. in the Courts at Moga and in pursuance of transfer petition i.e. CRM-M-27249-2024, the same was transferred to the Courts at Jalandhar, vide order dated 28.05.2024 passed by the Coordinate Bench, copy whereof is Annexure A-2. Also, it is submitted that the respondent had filed the petition under Section 8 and 10 of the Guardians and Wards Act i.e. GW/09/2023. Relating to the same, the applicant had filed transfer application i.e. TA-490-2024, which was disposed of by this Court, on the basis of statement given by the counsel for the respondent, vide order dated 07.02.2025, copy whereof is Annexure A-1. It is submitted that in consonance with the direction given in the aforesaid order, the applicant could not make appearance, due to constrained circumstances faced by her. However, the counsel gives an undertaking today, that the applicant will make appearance before learned Family Court, on the next date fixed i.e. 22.09.2025.

In the given circumstances, it is submitted that when the applicant is not having any source of earning, it is difficult for her to



commute a distance of about 120 kilometres, to defend the divorce petition.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant has not come to the Court with clean hands. In fact, it is submitted that in consonance with the direction by this Court in connected transfer application, the applicant had not complied with the same. Furthermore, it is submitted that the petition under Section 125 Cr.P.C., was filed by the applicant herself at Moga and she herself had sought transfer of the same also, without any substantial reason.

In view of the submissions aforesaid, it is pertinent to mention that there is one daughter born from the said wedlock, who is of growing age and is in the care and custody of the applicant. This is the most weighing circumstance, which ought to be taken into consideration. The applicant is taking care of the said child, while herself having no source of earning.

In view of the aforesaid fact situation, more particularly, considering about the applicant not having any source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/06/2023, titled '*Baljinder Singh Vs. Gurbax Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Moga, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court, Moga, to the District and Sessions Judge, Jalandhar.

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



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from today onwards.

However, the applicant shall remain bound by the undertaking given by her counsel today, with regard to making appearance before learned Family Court, in the guardianship petition, for compliance of the direction given by this Court, vide order dated 07.02.2025 in TA-490-2024.

19.09.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No