



TA-582-2024 (O&M)& TA-600-2024 (O&M)

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

Sr. No.107

Date of Decision: 21.01.2025

1.

TA-582-2024 (O&M)

GURSIMRAN KAUR

....Applicant

Versus

JATINDER SINGH

.....Respondent

2.

TA-600-2024 (O&M)

GURMEET KAUR AND OTHERS

....Applicants

Versus

RANVIR KAUR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rahul Vijay Singh, Advocate
for the applicant(s) (in both the cases).

Mr. Mayur Karkra, Advocate
for the respondent(s) (in both the cases).

ARCHANA PURI, J. (Oral)**CM-16054-CII-2024 AND CM-16055-CII-2024 IN TA-582-2024 AND****CM-16052-CII-2024 AND CM-16053-CII-2024 IN TA-600-2024**

Keeping in view the averment made in the applications, same
are allowed.



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Main cases

Vide this order, I shall dispose of two applications, filed by Gursimran Kaur and her parents, for seeking transfer of the litigation, which has arisen out of the matrimonial dispute of Gursimran Kaur with her husband-Jatinder Singh.

TA-582-2024 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/261/2024, titled '*Jatinder Singh Vs. Gursimran Kaur*', filed by the respondent-husband.

TA-600-2024 has been filed by Gursimran Kaur and her parents, thereby seeking transfer of the petition under Sections 12, 18, 20 and 22 of the Protection of Women from Domestic Violence Act i.e. COMA/808/2024, titled '*Ranvir Kaur Vs. Gursimran Kaur and others*', filed at the instance of mother-in-law of Gursimran Kaur, namely, Ranvir Kaur.

Both the aforesaid cases are pending in the Courts at Patiala and the applicants are seeking transfer of the same to the Court of competent jurisdiction at Sardulgarh, District Mansa.

In pursuance of the notice issued by the Court, respondents in both the transfer applications have made appearance through counsel and filed replies in the respective applications.

Learned counsel for the parties heard.

For the convenience of discussion, Gursimran Kaur and her parents, are referred to as the applicants and Jatinder Singh and his mother-Ranvir Kaur, are referred as respondents, as making appearance in both the transfer applications.



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At the very outset, it is submitted by the counsel for the applicants that the marriage between Gursimran Kaur and Jatinder Singh, had taken place on 16.02.2023, but no child was born from the said wedlock. On account of the matrimonial discord, the parties are residing separate. Gursimran Kaur has filed the petition under Section 125 Cr.P.C., which is pending in the Family Court (Camp Court) Sardulgarh, District Mansa. Also, she has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/03/2024, which is also pending in the Courts at Sardulgarh. Besides the same, an FIR bearing No.58 dated 16.04.2024, under Sections 406 and 498-A IPC, has been got lodged by the applicant at Police Station Jhunir, District Mansa and the same is still at the investigation stage. It is submitted that Gursimran Kaur is not having any source of earning and is totally dependent upon her parents.

In the given circumstances, it is submitted that it is difficult for her to commute a distance of about 140 kilometres, to defend the divorce petition, as well as the petition i.e. COMA/808/2024 under the Protection of Women from Domestic Violence Act, filed by Ranvir Kaur, her mother-in-law. Even, the other applicants, who are the parents of Gursimran Kaur, on account of the old age, find it difficult to commute such a long distance, to defend the petition filed against them.

On the contrary, the counsel for the respondents has refuted the claim of the applicants. In fact, it is submitted that Ranvir Kaur, who is mother of Jatinder Singh, is an aged lady, who had a fall from the stairs in February, 2024 and therefore, she was advised bed rest. Even, till date, she is having problems relating to the injuries sustained, on account of fall from



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the stairs. In this regard, the counsel has made reference to the certificate issued under the signatures of the treating doctor, which is Annexure R-1. On the basis thereof, it is submitted that it is difficult for Jatinder Singh, to leave his mother alone, while pursuing both the petitions, if so transferred. Furthermore, it is submitted that on account of death of his father, Jatinder Singh, has got government job on compassionate ground and as such, it shall be difficult for him to take leaves to pursue the aforesaid petitions.

It is pertinent to mention that the preference is being given by the Courts, time and again, to the convenience of the wives, in case of transfer applications, relating to the matrimonial dispute. However, it is not a thumb rule. The various other circumstances spelt out from the pleadings of the parties, also ought to be taken into consideration. If the parents of Gursimran Kaur are aged persons, at the same time, Ranvir Kaur, mother of Jatinder Singh is also an aged lady. Even, Ranvir Kaur had suffered fall from stairs and on this account, it is submitted that she is not keeping good health.

Taking into consideration the aforesaid circumstances and to facilitate the convenience of both the sides, an offer is made to both the counsel appearing for the applicants, as well as the respondents, about the case to be transferred to Mansa, instead of Sardulgarh. This offer is readily acceptable to both the counsel and they have submitted that they have no objection, if the divorce petition, as well as the petition under the Protection of Women from Domestic Violence Act, are transferred to the Courts at Mansa.

Considering the submissions made by the counsel for both the sides, the transfer applications are allowed and the petition under Section 13



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of the Hindu Marriage Act i.e. DMC/261/2024, titled '*Jatinder Singh Vs. Gursimran Kaur*' and the petition under Sections 12, 18, 20 and 22 of the Protection of Women from Domestic Violence Act i.e. COMA/808/2024, titled '*Ranvir Kaur Vs. Gursimran Kaur and others*', stand transferred from the Courts at Patiala, to the Court of competent jurisdiction at Mansa. The requisite records of the aforesaid cases be sent by the Family Court Patiala, to the District and Sessions Judge, Mansa.

A request is made to learned District and Sessions Judge, Mansa, to assign both the cases preferably to one Court. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

The Court concerned shall ensure about the adjournment of the cases, preferably on the same date, while keeping in view the convenience of both the parties.

21.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No