



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

Sr. No.205**TA-521-2025****Date of Decision: 02.12.2025****HARLEEN KAUR****....Applicant****Versus****NEWTON SINGH LUTHRA****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Vivek Suri and Ms. Kritika Sharma, Advocates
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 26.09.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

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/132/2025, titled '*Newton Singh Luthra Vs. Harleen Kaur*', filed by the respondent-husband, pending in the Family Court, Amritsar and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.



It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 29.11.2020. One son, Nihalveer Singh, was born from the said wedlock, who is about 4 years old is in the care and custody of the applicant. He is studying in Nursery class in British Co-ed School, Patiala. Further, it is submitted that earlier also, the respondent had filed the petition under Section 9 of the Hindu Marriage Act, at Amritsar. However, vide transfer application i.e. TA-648-2021, filed at the instance of the applicant, the petition under Section 9 of the Hindu Marriage Act was transferred to the Courts at Patiala and the same was thereupon, withdrawn by the respondent. Also, it is submitted that the applicant is a well-educated lady. She has done B.Tech. and M.Tech. in Computer Science, from Punjabi University, Patiala. Earlier, she was working in Infosys at Mysore, but however, at present, she is employed as a 'Business Analyst' in Netsmartz, Rajiv Gandhi Technology Park, Chandigarh. However, she 'works from home', while residing at her parental place at Patiala. The child born from the estranged marriage is suffering from Attention Deficit Hyper Activity Disorder (ADHD) and on this account, it is submitted that it is difficult for the applicant, to take care of the child and pursue the litigation, pending at Amritsar.

Besides the aforesaid, also it is submitted that the petition under Section 12 of the Protection of Women from Domestic Violence Act, as well as the petition under Section 125 Cr.P.C., filed for seeking maintenance for the minor child, are pending at Patiala and the respondent is pursuing the said litigation. Also, the respondent is facing trial in the Courts at Patiala, relating to FIR bearing No.65 dated 14.08.2024, under Section 406 and 498-



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A IPC, got lodged by the applicant at Women Police Station, Patiala. The distance between the two places is stated to be about 250 kms.

In view of the submissions aforesaid, it is pertinent to mention that no document, relating to the disease suffered by the child, born from the marriage of the parties, has come on record. Even, no document relating to the employment of the applicant and her doing 'work from home' has been brought on record. May it be so. There are various other circumstances, which ought to be taken into consideration, while adjudicating on the transfer application, relating to this matrimonial dispute. The most relevant and weighing factor in the present case is about the child being in the care and custody of the applicant. Besides the same, there are other three litigations arising from this estranged marriage, which are already pending in the Courts at Patiala, more particularly, the criminal case, wherein the respondent is required to make appearance on each and every date of hearing. Even, the distance between the two places is about 250 kms., which is also a material factor, which ought to be taken into consideration, while considering the fact of the applicant, taking care of the minor son.

Considering the aforesaid fact situation, more particularly, considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/132/2025, titled '*Newton Singh Luthra Vs. Harleen Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Patiala.



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

02.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No