



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

Sr. No.107**TA-791-2024****Date of Decision: 05.05.2025****GURDEEP KAUR AND ANOTHER****....Applicants****Versus****JAPNEET KAUR AND ANOTHER****.....Respondents****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Neha Dewan, Advocate
for the applicants.

Ms. Kanwal S. Walia, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

The applicant No.1 (mother-in-law of respondent No.1) and applicant No.2 (sister-in-law of respondent no.1), have filed the present application for seeking transfer of the civil suit, filed under Sections 18 and 20 of the Hindu Adoptions and Maintenance Act, 1956 i.e. CS/14/2024, titled '*Japneet Kaur Vs. Sartaj Singh and others*', filed by respondent No.1 (daughter-in-law of applicant No.1 and sister-in-law of applicant No.2). The said suit is pending in the Courts at Sunam, District Sangrur and the applicants seek transfer of the same to the Court of competent jurisdiction at Patiala.

Upon notice, respondent No.1, who is the sole contesting



respondent, made appearance through counsel. However, the counsel for respondent No.1 submits that she does not intend to file reply to the transfer application, though she contests the same.

The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicants, that there is a matrimonial dispute of respondent No.1-Japneet Kaur, with her husband Sartaj Singh, who is son of applicant No.1-Gurdeep Kaur and the decree of divorce has already been passed by the Courts at United Kingdom. However, the suit in hand has been frivolously filed by respondent No.1, for asserting right in the property of Sartaj Singh, which is situated at Sunam.

It is further submitted by the counsel for the applicants that applicant No.1-Gurdeep Kaur, is an aged lady, who is having several health issues. Even, she has undergone multiple knee replacement surgeries, on account of osteoarthritis and as such, the movement for her is very difficult. While emphasizing on the same, the counsel for the applicants has made reference to the documents, which are Annexures A-2 to A-6, which relates to the treatment undergone by applicant No.1-Gurdeep Kaur. Furthermore, it is submitted that applicant No.2, who is daughter of applicant No.1, is a divorcee and living with applicant No.1. She is working in Punjabi University, Patiala and has to take care of two minor children and on this account, it is difficult for her also, to pursue the suit in hand, at Sunam.

On the other hand, the counsel for respondent No.1 has refuted the claim of the applicants. Though reply has not been filed, but however, it has been submitted that the suit has been filed by Japneet Kaur, through attorney-holder, who is her father and who is resident of Payal, District



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Ludhiana. It is submitted that the duration of the travel between Sunam and Patiala is about one hour, but not all the time, the applicants are required to make appearance in the civil suit. Furthermore, it is always open for the applicants, to make appearance through virtual mode, as and when required, after seeking permission from the Court concerned.

In view of the submissions aforesaid, it is pertinent to mention that, time and again, the Courts hold that the convenience of the women, ought to be taken into consideration, in case of transfer applications relating to the matrimonial disputes. In the case in hand, there is a matrimonial dispute between respondent No.1-Japneet Kaur and her husband-Sartaj Singh, who is son of applicant No.1 and brother of applicant No.2. Undisputedly, the decree of divorce has been passed by the Courts at United Kingdom, thereby dissolving the marriage of Japneet Kaur and Sartaj Singh. Further, the suit in hand, which is sought to be transferred, relates to grant of maintenance, *vis-a-vis* the property, which is situated in Sunam. It is all the females, who are in contest in the present transfer application. Considering the same, it is the balance of convenience, which ought to be taken into consideration.

No doubt, the distance between Sunam and Patiala is about 50 kilometres, but however, there is well-connected means of communication on the said route. So, the distance, as such, does not matter much. So far as the medical ailment of applicant No.1 is concerned, it is pertinent to mention that the contest is relating to civil matter, for which the applicants are not required to make appearance on each and every date of hearing. They have already made appearance before the Courts at Sunam and even, filed an application under Order 7 Rule 11 CPC, which has since been decided by



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the Courts and the case is now fixed for filing of written statement. Considering the same, in today's scenario, virtual mode is available with the parties concerned, to make appearance and also to watch the proceedings, on each and every date of hearing.

Considering the aforesaid fact situation, there is no necessity to transfer the suit, from Sunam to Patiala. However, it is expected and desired of learned Trial Court, to consider the request, if any made by the applicants, for making appearance through virtual mode and pass any appropriate order upon the same.

In view of the aforesaid terms, the transfer application is hereby dismissed.

05.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No