

TA-808-2024 & TA-149-2025

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

Sr. No.156

Date of Decision: 27.05.2025

1.

TA-808-2024

GAGANDEEP KAUR

....Applicant

Versus

SANDEEP SINGH

.....Respondent

2.

TA-149-2025

GAGANDEEP KAUR

....Applicant

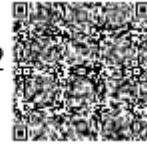
Versus

SANDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

**Present:- Mr. Sukhveer S. Killianwali, Advocate
for the applicant (in both the cases).**



TA-808-2024 & TA-149-2025

Mr. Atul Goyal, Advocate
for the respondent (in both the cases).

ARCHANA PURI, J. (Oral)

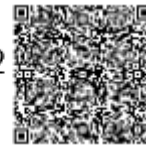
Vide this order, I shall dispose of two applications, filed by Gagandeep Kaur-applicant/wife/mother, for seeking transfer of the litigation, pending between the parties to the lis.

TA-808-2024 has been filed by the applicant-mother for seeking transfer of the petition under Section 25 of the Guardians and Wards Act i.e. GW/7/2021, titled '*Sandeep Singh Vs. Gagandeep Kaur*', filed at the instance of respondent-father (husband of the applicant), thereby seeking custody of the minor children, born from the wedlock of the parties to the lis.

TA-149-2025 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/217/2023, titled '*Sandeep Singh Vs. Gagandeep Kaur*', filed by the respondent-husband.

Both the aforesaid cases are pending in the Courts at Malout, District Sri Muktsar Sahib and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Mandi Dabwali, District Sirsa.

In pursuance of the notice issued, respondent made appearance through counsel. In TA-149-2025, reply has been filed by the counsel for the respondent. However, the counsel for the respondent has not specifically

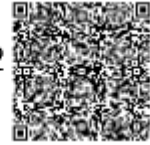


TA-808-2024 & TA-149-2025

filed any reply in TA-808-2024 and he gives a statement that reply filed in TA-149-2025 be considered as reply in the said application.

The 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 18.11.2012. Two children were born from the said wedlock; one daughter, namely, Avneet Kaur, was born on 28.11.2013 and one son, namely, Sanjot Singh, was born on 26.05.2019. Both the said children are in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant had filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/47/2020, which is pending in the Courts at Malout. This petition was earlier pending at Sri Muktsar Sahib. However, the applicant had filed transfer application, for seeking transfer of the said case to the Courts at Malout, at the time, when she was residing at Malout. But anyhow, the applicant is presently residing at Mandi Dabwali, District Sirsa and thus, she is seeking transfer of the said petition again, from Malout to Dabwali Courts. Besides the aforesaid, also it is submitted that the petition under Section 125 Cr.P.C., has since been transferred by this Court, from Malout to the Courts at Mandi Dabwali, vide order dated 15.07.2024 passed in CRM-M-33384-2024, copy whereof is Annexure P-2, in TA-149-2025. Also, there are two execution petitions i.e. CRM/64/2024 and CRM/65/2024, pending in the Courts at Mandi Dabwali.



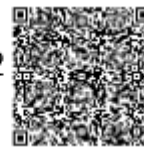
TA-808-2024 & TA-149-2025

In the given circumstances, it is submitted that the applicant is seeking transfer of both the guardianship petition, as well as the divorce petition, as it is difficult for her to commute a distance of about 40 kilometres, more particularly, when she is taking care of two minor children.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that earlier the applicant had sought transfer of the divorce petition from Sri Muktsar Sahib to Malout and therefore, the present application is liable to be dismissed, as now again, she seeks further transfer of the said petition to the Courts at Mandi Dabwali.

Also, it is pointed out by the counsel for the respondent that the applicant, as well as her family members, have a criminal background. While making reference to paragraph No.5 of the reply, the counsel for the respondent submits that various FIRs, as detailed therein, have been filed against the applicant and her family members. Considering this criminal background, the transfer applications ought to be dismissed.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, while considering the transfer applications relating to the matrimonial disputes. However, it is not a thumb rule. Various circumstances, spelt out from the material brought on record, ought to be taken into consideration. Apart from the distance between the two places, where the litigation is pending and where it is sought to be transferred, there are other factors also, to be taken care of, such like, as to whether the wife is



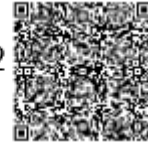
TA-808-2024 & TA-149-2025

having source of earning or not; capacity of the parties to take care of the children (if any); the fact of children (if any), residing with which parent; the pendency of litigation, arising from the matrimonial dispute of the parties.

So far as, implication of the applicant, as well as her family members in various FIRs, as narrated in paragraph No.5 of the reply, is concerned, the same are still pending. There is no material coming on record, to substantiate the allegations against the applicant and her family members. In the given circumstances, it is too early to comment upon the criminal background of the applicant and her parents, as asserted by the counsel for the respondent.

So far as, earlier transfer of the divorce petition from Sri Muktsar Sahib to Malout, is concerned, it is pertinent to mention that, at the relevant time, the applicant was residing at Malout and now, she has shifted to her parents' place at Mandi Dabwali and this change of circumstance, in itself, do not debar the applicant, from filing the second transfer application.

In view of the aforesaid fact situation and also taking into consideration the fact of two executions and one maintenance petition, already pending in the Courts at Dabwali, which are being pursued by the respondent, more particularly, considering the fact of minor children residing with the applicant, both the transfer applications are allowed and the petition under Section 25 of the Guardians and Wards Act i.e. GW/7/2021, titled '*Sandeep Singh Vs. Gagandeep Kaur*' and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/217/2023, titled '*Sandeep Singh Vs.*



TA-808-2024 & TA-149-2025

Gagandeep Kaur’, stand transferred from the Family Court (Camp Court) Malout, to the Court of competent jurisdiction at Mandi Dabwali, District Sirsa. The requisite record of the aforesaid cases be sent by the Courts concerned at Malout, to the District and Sessions Judge, Sirsa.

Learned District and Sessions Judge, Sirsa, shall assign the said petitions to the Court, where the maintenance petition between the parties to the lis, is already pending. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

The Court concerned shall make an endeavour to adjourn all the cases, preferably for one and the same date.

27.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No