



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

101

**TA-927-2023 (O&M)
Date of Decision: November 14, 2025**

Balwinder Kaur
...Applicant

Versus

Jaspal Singh
...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Vivek Slathia, Advocate
for the applicant.

Mr.R.C.Chauhan, Advocate
for the respondent.

ARCHANA PURI, J.

Mr.R.C.Chauhan, Advocate has appeared on behalf of the respondent. Perusal of the paperbook reveals that the respondent, at the earlier stage, was proceeded against ex-parte, as none had appeared on his behalf. Anyhow, in the interest of justice, since counsel for the respondent has appeared today and reply had already been filed, the respondent is allowed to join the proceedings, at this stage.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 11 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-593-2023, titled 'Jaspal Singh vs.

Balwinder Kaur', pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

Upon notice issued, the respondent had made appearance through counsel and later on proceeded against ex-parte. But anyhow, counsel is allowed to join the proceedings, as observed aforesaid, as he had already filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that the applicant was earlier married to Harpreet Singh @ Happy and after obtaining customary divorce from him, she had married the respondent on 21.12.2021. However, no child was born from the said wedlock. On account of matrimonial dispute, which started after the respondent had gone abroad on 25.01.2022, the applicant is now staying at her parental place at Amritsar. In the given circumstances, on account of petition under Section 11 of the Hindu Marriage Act, having filed at the instance of the respondent at Jalandhar, it is difficult for the applicant, who has no source of earning, as per the additional evidence furnished, to defend said petition from a distance of about 85 kms.

On the other hand, learned counsel for the respondent has resisted the claim for transfer of the petition under Section 11 of the Hindu Marriage Act. In fact, he submits that the applicant was earlier married to one Harpreet Singh @ Happy s/o Harbhajan Singh on 19.02.2017 and the marriage has never been dissolved by decree of the Court. Since the date of marriage with the previous husband, the applicant was staying there in Jalandhar for a period of four years and the fact of the earlier marriage was

not disclosed by the applicant. Furthermore, also it is submitted that the sister of the applicant is also residing at Jalandhar and therefore, it is not difficult for her to pursue the litigation aforesaid. Moreover, it is submitted that the particulars of first marriage has also not been disclosed in the present application.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of the wife, while considering the transfer application, relating to the matrimonial dispute, but the same, as such, is not a thumb rule. Various other circumstances coming forth, ought to be taken into consideration. Even though, in the case in hand, there is no child born from the said wedlock and distance between the two places is 85 kms., but however, in the additional affidavit furnished, the applicant stated about her to be not having any source of earning. She is dependent upon her parental family and at present, is residing at her parental place.

Even though, much emphasis has been laid upon the details of first marriage, having not disclosed in the application and that no divorce by decree of Court, as such, was obtained by her, but however, the fact of first marriage, has been mentioned in the application and therein, it is stated about the customary divorce obtained by the applicant from her previous husband. Also, in the application it is stated that the respondent had taken a false plea about non-disclosure of the previous marriage to the respondent and his family. However, the fact, with regard to the disclosure/non-disclosure as well as about the details further, with regard to the first marriage and the manner of dissolution of marriage, with the previous

husband, are the matter of evidence, which can be adjudicated by the Court below, while deciding the petition under Section 11 of the Hindu Marriage Act.

Suffice to consider that in the present application, there is assertion of first marriage and dissolution of the same by customary divorce and furthermore, about the plea, falsely having been raised, with regard to the non-disclosure of the previous marriage. The factor relevant for the adjudication of the present application is about the applicant not having any source of earning.

Considering the same as well as the extent of distance, the transfer application, as such, is hereby allowed and the petition under Section 11 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-593-2023, titled ‘Jaspal Singh vs. Balwinder Kaur’, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar to the District and Sessions Judge, Amritsar.

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

November 14, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No