



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

Sr. No.122

**TA-904-2024 (O&M)
Date of Decision: 22.05.2025**

RAMANJEET KAUR

....Applicant

Versus

AMNINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mohit Vashishat, Advocate
for the applicant
(through video conferencing).

Mr. G.S. Sandhu, Advocate for
Mr. Dinesh Nagar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/175/2024, titled '*Amninder Singh Vs. Ramanjeet Kaur*', filed by the respondent-husband, pending in the Family Court, SBS Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

Upon notice, the respondent made appearance through counsel and filed reply.

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 27.08.2023. At the time of filing of the application, the applicant was pregnant and she had delivered a baby girl, who is 9½ months old at present. The said daughter is in her care and custody. Also, the counsel submits that



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the applicant is not having any source of earning and is totally dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Ludhiana. In the given circumstances, it is submitted that it is difficult for the applicant, to defend the petition under Section 9 of the Hindu Marriage Act.

On the other hand, the counsel for the respondent submits that it is a civil litigation and the distance is only 50 kilometres and therefore, there is no necessity to accept the transfer application.

In view of the submissions aforesaid, though it is pointed out by the counsel for the respondent that the distance between the two places is about 50 kilometres, but however, it is one factor which ought to be taken into consideration. Besides the same, there are other factors also, which are required to be taken note of. Distance alone in isolation cannot be considered. In the case in hand, there is a daughter born from the estranged marriage and she is only 9½ months old and she is in the care and custody of the applicant.

In view of the aforesaid fact situation and also taking into consideration the fact about the applicant having no source of earning, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/175/2024, titled '*Amninder Singh Vs. Ramanjeet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, SBS Nagar, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, SBS Nagar, to the District and Sessions Judge, Ludhiana.



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

Pending civil miscellaneous application also stands disposed of.

22.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No