



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

Sr. No.101

TA-1042-2022

Date of Decision: 15.05.2025

HARPINDER KAUR**....Applicant****Versus****BALWINDER SINGH AND ANOTHER****.....Respondents****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Suresh Kumar Arya, Advocate
for the applicant.

Mr. Rudresh, Advocate for
Mr. P.P.S. Brar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-Harpinder Kaur has filed the present application for seeking transfer of the civil suit i.e. CS/450/2022, titled '*Balwinder Singh and another Vs. Harpinder Kaur*', filed by the respondents (parents-in-law of the applicant). The said suit is pending in the Courts at Sri Muktsar Sahib and the applicant seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

Upon notice issued, 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 of the applicant had taken place with Harwinder Singh, son of the respondents, on 02.04.2018. Unfortunately, said Harwinder Singh, had died on 30.05.2022. In fact, it is submitted that the



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relationship of the applicant with his husband, was not very congenial, on account of the bad conduct of the respondents. One daughter born from the said wedlock, who is about 5 years old, is presently in the custody of the respondents. It is submitted that the respondents had snatched the custody of the said child from the applicant.

Also, it is submitted that the applicant, at present, is living at her parental place. She has no source of earning and as such, is dependent upon her parental family. She had earlier filed the petition under Section 25 of the Guardians and Wards Act, at Amritsar, but however, since the child was residing at Sri Muktsar Sahib, the same was withdrawn and now, the applicant is unable to file the requisite petition in the Courts at Sri Muktsar Sahib. Besides the same, the applicant has filed the petition under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Amritsar. The respondents have been proceeded against *ex parte* in the said petition. In the given circumstances, it is submitted that it is difficult for the applicant to defend the civil suit, from a distance of about 170 kilometres.

On the other hand, while making reference to the reply filed, the respondent has submitted that since the distance is long, it will be difficult for the respondents also, being aged, to take care of the minor child as well as pursue the litigation, if so transferred.

In view of the rival submissions made aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of woman, in case of transfer applications relating to the matrimonial disputes. However, in the present case, unfortunately, the husband of the applicant had died and there is a child born from this wedlock, who is allegedly



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snatched and detained by the paternal grand-parents. The child is about 5 years old. Also, the applicant is not having any source of earning and she is pursuing the petition under the Protection of Women from Domestic Violence Act, wherein, the respondents have been proceeded against *ex parte*.

Earlier, the applicant had filed the petition under Section 25 of the Guardians and Wards Act, at Amritsar, which was withdrawn. However, at this stage, it is submitted by the counsel for the applicant that the applicant is unable to file fresh petition at Sri Muktsar Sahib.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the civil suit i.e. CS/450/2022, titled '*Balwinder Singh and another Vs. Harpinder Kaur*', filed by the respondents, stands transferred from the Courts at Sri Muktsar Sahib, to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Court concerned at Sri Muktsar Sahib, to the District and Sessions Judge, Amritsar.

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

15.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No