



TA-914-2024

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

Sr. No.110

TA-914-2024

Date of Decision: 20.05.2025

AMANDEEP KAUR AND ORS

....Applicants

Versus**PARAMJIT KAUR AND ANR**

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- V.S. Virk, Advocate
for the applicants.

Respondents proceeded against *ex parte*
vide order dated 12.05.2025.

ARCHANA PURI, J. (Oral)

The applicant No.1 (daughter-in-law of respondent No.1) and her family members, have filed the present application for seeking transfer of the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/16/2023, titled '*Paramjit Kaur Vs. Amandeep Kaur and others*', filed by respondent No.1 (mother-in-law of applicant No.1). The said complaint is pending in the Family Court, Fazilka and the applicants seek transfer of the same to the Court of competent jurisdiction at Sardulgarh, District Mansa.



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Upon notice, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.

The counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage of applicant No.1-Amandeep Kaur, had taken place with Gurpreet Singh, son of respondent No.1 on 01.02.2022, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. There are various rounds of litigation going on between applicant No.1 and her husband-Gurpreet Singh. While making reference to paragraph No.4 of the application, it is submitted that the petition for maintenance i.e. MNT-125/15/2023, as well as the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/12/2024, have been filed by applicant No.1 and respondent No.1 is one of the respondent in the petition under the Protection of Women from Domestic Violence Act. Even, she is making appearance in the said petition at Sardulgarh. Also, the husband of the applicant is making appearance in both the cases at Sardulgarh. Besides the same, even the son of respondent No.1, namely, Gurpreet Singh, is facing trial in the Courts at Sardulgarh, relating to FIR bearing No.51 dated 25.05.2023, under Sections 406 and 498-A IPC, got lodged by the applicant.

Furthermore, it is submitted that Sukhchain Singh-applicant No.4 and Neelam Rani-applicant No.5, who are the brother and sister of applicant No.1, are disabled persons. In this regard, the counsel has made reference to the disability certificate of both the said applicants, which are Annexures P-4 and P-5, respectively. The brother of applicant No.1, who is



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aged about 23 years, is suffering from '*Muscular Dystrophy Both Lower Limb approximately 70% disabled*'. Even, as per the disability certificate of the sister of applicant No.1, who is aged 28 years, is permanently disabled from '*Lime girdle myopathy....*' and her disability is to the extent of 100%. In the given circumstances, when two children of applicants No.2 and 3 are disabled, it is submitted that it is difficult for applicants No.2 and 3 and other family members, to commute a distance of about 160 kilometres, to defend the petition under the Protection of Women from Domestic Violence Act, filed by respondent No.1 at Fazilka.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of woman, in case of the transfer applications relating to the matrimonial disputes. In the case in hand, there is a matrimonial dispute of Amandeep Kaur-applicant No.1, with her husband-Gurpreet Singh and respondent No.1 herein, is mother-in-law of applicant No.1. She has filed the petition under the Protection of Women from Domestic Violence Act, against her daughter-in-law and family members of her parental side. In the present case, both the women are involved. Considering the same, it is also pertinent to mention that applicant No.1, is bound to be elder in age, as compared to Amandeep Kaur. However, various other circumstances, spelt out from the material coming forth, also ought to be taken into consideration. As already observed aforesaid, two of the siblings of applicant No.1, who are of the age group of 23-28 years, are physically disabled. Her sister is 100% disabled, whereas her brother is 70% disabled.

Moreover, three cases arising from the matrimonial dispute are



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already pending in the Courts at Sardulgarh. In the petition under the Protection of Women from Domestic Violence Act, filed by applicant No.1, respondent No.1 is also one of the respondent and she is making appearance before the Courts at Sardulgarh.

In view of the aforesaid fact situation and also taking into consideration the distance between the two places to be 160 kilometres, it is just and expedient to accept the transfer application. Hence, it is so ordered. The complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/16/2023, titled '*Paramjit Kaur Vs. Amandeep Kaur and others*', filed by respondent No.1 (mother-in-law of applicant No.1), stands transferred from the Family Court, Fazilka, to the Court of competent jurisdiction at Sardulgarh, District Mansa. The requisite record of the aforesaid case be sent by the Family Court, Fazilka, to the District and Sessions Judge, Mansa.

Learned District and Sessions Judge, Mansa, shall assign the said petition to the Court at Sardulgarh, where the cases arising from the matrimonial dispute are 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 same date.

20.05.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No