



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

Sr. No.112+126

**TA-922-2024 (O&M)
Date of Decision: 06.02.2025**

AMANDEEP KAUR

....Applicant

Versus

GURDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Inayat Khullar, Advocate
for the applicant.

Mr. S.S. Gill, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-13104-CII-2024

Keeping in view the averments made in the application, same is
allowed.

CM-1402-CII-2025

The present application has been filed by the applicant for
placing on record the reply to the transfer application.

In view of the averments made in the application, same is
allowed and the requisite reply is taken on record.

Main case

The applicant-wife has filed the present application for seeking
transfer of the petition under Section 13 of the Hindu Marriage Act i.e.
HMA/28/2024, titled '*Gurdeep Singh Vs. Amandeep Kaur*', filed by the
respondent-husband, pending in the Family Court (Camp Court) Payal,

District Ludhiana and she seeks transfer of the same to the Court of



competent jurisdiction at Amloh, District Fatehgarh Sahib.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned 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 31.05.2020, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. The applicant has no source of earning and her father has already died. Besides the same, she has a brother who is mentally disabled. The certificate issued by the office of Civil Surgeon, Fatehgarh Sahib, is Annexure P-5. Further, it is submitted that the applicant has filed by the petition under Section 125 Cr.P.C., the petition under Section 9 of the Hindu Marriage Act and the petition under Sections 12, 18, 19, 20, 21, 22 and 23 of the Protection of Women from Domestic Violence Act. All these cases are pending in the Courts at Amloh, at appearance stage.

On the other hand, the counsel for the respondent submits that the aforesaid cases have been filed, only to harass the applicant, as she had an option to file the cases at Payal, District Ludhiana, but she had intentionally not done the same.

In view of the aforesaid fact situation, it is pertinent to mention that time and again, it is held by the Courts about preference to be given to the convenience of the wife, in transfer applications relating to the matrimonial dispute. Considering the same, more particularly, when the applicant is not having any source of earning and her father had already died and she has to look after her younger brother, who is mentally deranged, the



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transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/28/2024, titled ‘*Gurdeep Singh Vs. Amandeep Kaur*’, filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Payal, District Ludhiana, to the Court of competent jurisdiction at Amloh, District Fatehgarh Sahib. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Payal, to the District and Sessions Judge, Fatehgarh Sahib.

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

06.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No