



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

**Sr. No.212****TA-959-2025****Date of Decision: 09.12.2025****GURPREET KAUR****....Applicant****Versus****AMARJEET SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Abhivadya Sood, Advocate  
for the applicant.

Mr. Yagsimant Attri, Advocate  
for the respondent.

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**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/27/2024, titled '*Amarjeet Singh Vs. Gurpreet Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Sunam, District Sangrur and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

In pursuance of notice issued, the respondent made appearance through counsel. However, reply was not filed, though the respondent contests the transfer application.



Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 09.02.2014. However, on account of the matrimonial dispute, the parties are residing separate. Two children were born from the said wedlock and the son, who is about 10 years old, is in the custody of the applicant, whereas, the daughter, who is about 6 years old, is in the care and custody of the respondent. The applicant is not having any source of earning and she together with her son, is dependent upon her parental family. Even, the applicant has filed the petition under Section 125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Patiala and the respondent is making appearance in the same. Besides the same, she has also filed the petition under Section 25, 29 and 8 of the Guardians and Wards Act, which is pending in the Courts at Patiala and in the said petition, at first instance, the respondent was proceeded against *ex parte*, but now, he has joined the proceedings and filed the application for setting aside of the *ex parte* proceedings. The distance between the two places is stated to be about 65 kms.

On the other hand, counsel for the respondent submits that if the petition under Section 9 of the Hindu Marriage Act, is transferred, it shall be too harsh for the respondent also, to pursue the said petition, as he is also required to take care of his aged mother and also the minor daughter, who lives with him.



In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application relating to the matrimonial dispute, various factors coming forth, ought to be taken into consideration and then balancing of convenience/inconvenience of both the sides ought to be made. In the case in hand, the weighing factor is about the children born from the said wedlock, who are in the age group of 6-10 years, to be living separately. Son is in the custody of the applicant, whereas the daughter is in the custody of the respondent. The applicant is not having any source of earning and as such, is dependent upon her parental family.

On query by this Court, it is disclosed by the counsel for the respondent that the respondent is an agriculturist. Even, three other litigations, arising from the matrimonial dispute, are already pending in the Courts at Patiala, which are being pursued by the respondent. Also, the mother of the respondent lives with him, in his house and she can very well take care of the daughter, who is 6 years old, in case, the respondent is away to pursue the petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid fact situation and balancing the convenience/inconvenience of both the parties, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/27/2024, titled '*Amarjeet Singh Vs. Gurpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Sunam, District Sangrur, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Sunam, to the District and Sessions Judge, Patiala.



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

09.12.2025  
Himanshu Vats

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No