



TA-1114-2024

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

Sr. No.115

TA-1114-2024

Date of Decision: 26.08.2025

NAVJOT KAUR

....Applicant

Versus

JASKARAN SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Naresh Gopal Sharma, Advocate
for the applicant.

Mr. Abhimanyu Batra, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Sections 12 and 13 of the Hindu Marriage Act i.e. HMA/230/2024, titled '*Jaskaran Singh v/s Navjot Kaur*', filed by the respondent-husband, pending in the Family Court, Kapurthala and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

Upon notice, the respondent made appearance through counsel and filed the reply, which is taken on record.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties, had taken place on 07.03.2021 and one daughter born from the said wedlock, who is about 03 years old, is in the care and custody of the respondent. In fact, it is



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submitted that the respondent is residing in New Zealand and had taken away the daughter, without the consent of the applicant. On account of matrimonial dispute, the applicant has got lodged an FIR No.61 dated 28.08.2024 under Sections 406, 498-A IPC, in which challan has been presented and the mother of the respondent, namely, Prabhjot Kaur, is making appearance in the same. On query by the court, it is submitted that respondent, Jaskaran Singh, has not made appearance, as accused, to face trial in the aforesaid FIR, till date. Also, it is submitted that the applicant, at the time of filing of the transfer application, was not working, but now she is working as teacher in District Amritsar and is earning meagre amount of Rs.6,000/- per month. Considering the same, it is difficult for the applicant to commute a distance of about 80 kms, to defend the litigation thrust upon her by the respondent, through his mother.

On the other hand, counsel for the respondent, while making reference to the reply submits that the applicant has not come to the court, with clean hands. In fact, she has made wrong assertions in the application, about herself to be having no source of earning. Counsel for the respondent has made reference to Annexure R-3 and submits that during the investigation of the aforesaid FIR, statement of Navjot Kaur, was recorded, wherein she had admitted about herself to be working as private teacher and this fact was concealed at the time of filing of the transfer application. Also, it is submitted that the child was taken away by the respondent, as the respondent is permanent resident of New Zealand and the child was also born in New Zealand.

Considering the submissions aforesaid, it is pertinent to mention



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that the courts generally give preference to the convenience of wife, while considering transfer application relating to the matrimonial dispute, but however, each case has to be appraised in the backdrop of its own facts and circumstances. It is evident from the record that the FIR was got lodged at the instance of the applicant and also it is not disputed about Prabhjot Kaur, mother of the respondent, who is the attorney holder, is one of the accused and she is facing trial in the said case in the courts at Amritsar, but however, respondent himself, has not made appearance, till date. So far as the vocation followed by the applicant is concerned, considering the submissions made in Annexure R-3, it is evident that there is no date mentioned in the statement, so recorded. Even, the counsel was unable to state about the time and date, as and when the statement was recorded. In the given circumstances, in view of the submission made about the manner in which the service was joined by the applicant, no reliance, as such, can be placed upon the said statement.

On query by the court, it is also stated that since there is no maintenance application filed, till date, the respondent has not paid any maintenance to the applicant. Even though, it is stated that the attorney holder of the respondent, is also suffering from various age related medical issues, but however, convenience of the attorney holder cannot be put on higher pedestal, as compared to the convenience of the wife, more particularly, when no maintenance has been paid by the respondent to the applicant, who is earning meagre amount of Rs.6,000/- per month.

Considering the aforesaid facts situation, it is just and expedient to accept the transfer application. As such, the transfer application is hereby



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allowed and the petition under Sections 12 and 13 of the Hindu Marriage Act i.e. HMA/230/2024, titled '*Jaskaran Singh v/s Navjot Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Kapurthala to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Family Court, Kapurthala, to the District and Sessions Judge, Amritsar.

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

26.08.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No