



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

Sr. No.257

TA-1209-2024

Date of Decision: 06.08.2025

BALJIT KAUR ALIAS BALJEET KAUR

....Applicant

Versus

SIKANDAR KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. J.S. Dhaliwal, Advocate
for the applicant.

Mr. R.S. Bhullar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

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/302/2024, titled '*Sikandar Kumar Vs. Baljeet Kaur*', filed by the respondent-husband, pending in the Family Court, Moga and she seeks transfer of the same to the Court of competent jurisdiction at Sri Muktsar Sahib.

Upon notice issued, the respondent made appearance through counsel and filed reply.

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 05.03.2016. Two children born from the said wedlock, one girl and one boy, who are in the age group of 4-7 years, are in the care and custody of the applicant. Also, it is submitted that the applicant is not having any source of



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earning. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Gidderbaha and the respondent is making appearance in the same. The distance between the two places, is stated to be about 93 kilometres.

On the other hand, counsel for the respondent, while making reference to the reply filed, submits that the brother of the applicant is recruited in Punjab Police and on this account, the brother of the applicant, as well as other family members, together with some unidentified persons have tried to overawe the respondent, in the third week of March, 2020 and as such, the respondent has apprehension of threat to his life and liberty, at the instance of her family members.

In view of the submissions aforesaid, it is pertinent to mention that though, weightage is preferably given to the convenience of wife, in case of transfer application relating to the matrimonial dispute, but however, it is not a thumb rule. Each case has to be decided in the background of its own facts and circumstances. In the case in hand, there are two children born from the said wedlock, who are in the care and custody of the applicant, who herself is not having any source of earning. Even, she has filed the petition under Section 125 Cr.P.C. in the Courts at Gidderbaha, District Sri Muktsar Sahib and the respondent is pursuing the same.

Further, the counsel for the respondent has submitted that brother of the applicant is recruited in Punjab Police and threat was extended to his life, at the instance of brother of the applicant and other unidentified persons. However, on query by the Court, the counsel for the respondent submits that no further action was taken, after the alleged aforesaid incident, but the respondent apprehends threat to his life, at the instance of the



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applicant and her family members. However, this assertion is quite vague, as no material is coming on record, to substantiate the same. As such, seemingly this is an act of overthinking. Though, a prayer is made by the counsel for the respondent for transfer of the case to Bathinda, but however, Bathinda is other district and therefore, the jurisdictional balance, cannot be disturbed, upon the sole wish of the respondent/husband, who has not been able to show any satisfactory reason, to deny the transfer application.

Considering the aforesaid fact situation and taking into consideration one case, arising from the matrimonial case, already pending in the Courts at Gidderbaha, which is pursued by the respondent, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/302/2024, titled '*Sikandar Kumar Vs. Baljeet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Moga, to the Court of competent jurisdiction at Gidderbaha, District Sri Muktsar Sahib. The requisite record of the aforesaid case be sent by the Family Court, Moga, to the District and Sessions Judge, Sri Muktsar Sahib.

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

06.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No