



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

Sr. No.211

TA-1189-2024

Date of Decision: 03.04.2025

JASPREET KAUR AND OTHERS

....Applicants

Versus

DILBAGH SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Umesh Aggarwal, Advocate
for the applicant.

Ms. Geeta Rani, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-Jaspreet Kaur and her parents have filed the present application for seeking transfer of the civil suit i.e. CS/3923/2024, titled '*Dilbagh Singh Vs. Jaspreet Kaur and others*', filed by the respondent (father-in-law of applicant No.1). The said suit is pending in the Courts at Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Batala, District Gurdaspur.



Upon notice, the 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 applicant No.1 is daughter-in-law of the respondent. She was married to Gurpartap Singh, son of the respondent on 24.10.2020, but no child was born from the said wedlock. However, their marriage went on rocks and as a result thereof, various litigations were initiated by both the sides. Also, while making reference to paragraph No.5 of the application, it is submitted that the petition under the Protection of Women from Domestic Violence Act i.e. COMA/12/2022 and the petition under Section 125 Cr.P.C. i.e. MNT/14/2022, have been filed by applicant No.1, which are pending in the Courts at Batala. Besides the same, also it is submitted that the petition under Section 13 of the Hindu Marriage Act i.e. HMA/4143/2022, was initially filed by the respondent in the Courts at Ludhiana. However, in pursuance of transfer application i.e. TA-1405-2022, filed by the applicant, the divorce petition stood transferred to the Courts at Batala, vide order dated 21.09.2023, copy whereof is Annexure P-2. Likewise, it is pointed out that the criminal complaint under Sections 85, 316 (2), 351(2), 351(3), 79, 61(2) of the Bharatiya Nyaya Sanhita, 2023 i.e. COMI/135/2024, was filed by applicant No.1, which is also pending in the Courts at Batala.

Further, it is submitted by the counsel that the civil suit, filed by the respondent (father-in-law of applicant No.1), for seeking damages, is an offshoot of the matrimonial dispute of applicant No.1 with her husband-Gurpartap Singh. As such, it is submitted that it is difficult for the applicant



to commute a distance of about 140 kilometres, to defend the civil suit.

On the contrary, the counsel for the respondent, while making reference to the contents of the reply filed, has resisted the claim for transfer of the civil suit. In fact, it is submitted that the applicant has falsely stated in the application about herself to be having no source of income. Rather, while making reference to paragraph No.4 of the reply, it is submitted that the applicant was working in various IT companies earlier and after separation on 12.05.2021, she had joined the service with Canvas Craft Media, Mohali, an IT company. Relating to the same, statement of account of Jaspreet Kaur has been annexed as Annexure R-1.

Besides the aforesaid, also it is submitted that the respondent is an aged and handicapped person. He is aged about 72 years and is a chronic patient of '*Rheumatoid Arthritis*' with multiple deformities and also having various age-related health ailments. The counsel for the respondent has drawn the attention of this Court to the disability certificate placed on record, which reveals about the respondent to be having '*Rheumatoid Arthritis*' and on this account he is having disability to the extent of 40%. Besides the same, while making reference to the report made by Shree Durga Mata Charitable Dispensary (Regd.), it is submitted that the respondent is having fracture of neck of right femur. This report is dated 24.10.2024. It is submitted by the counsel for the respondent that this fracture is an outcome of the '*Rheumatoid Arthritis*' suffered by the respondent. One certificate issued by doctor of the Fortis hospital, Ludhiana, has also been placed on record, depicting the physical condition of the respondent.



In view of the submissions aforesaid, on query by the Court about the applicant specifically having mentioned to be having no source of income, it is submitted by the counsel for the applicant that he is not having any knowledge about the applicant to be working or not.

In view of the aforesaid fact situation, taking into consideration the various health issues, suffered by the respondent, on account of *‘Rheumatoid Arthritis’* and also considering his age, more particularly, considering the presence of the parties not required to be made on each and every date of hearing, in a civil suit, no case is made out to transfer the civil suit.

Hence, the transfer application is hereby dismissed.

03.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No