



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

Sr. No.204

TA-1255-2024

Date of Decision: 04.07.2025

JASHANDEEP KAUR SIDHU

....Applicant

Versus

HARMANDEEP SINGH SANDHU

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ashish Gupta, Advocate
for the applicant.

Mr. Parminder Singh Gill, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Though the case is fixed for filing of reply, but however, the counsel for the respondent submits that he does not intend to file reply to the transfer application, though he contests the same and shall address the arguments.

The counsel for the parties heard.

The applicant-wife, through her attorney-holder, has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/475/2024, titled '*Harmandeep Singh Sandhu Vs. Jashandeep Kaur Sidhu*', filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Moga.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 17.02.2023, but no child was born from the said wedlock. Unfortunately, a matrimonial dispute arose



between the parties and as such, they are residing separate. The applicant is residing at Canada and the present application has been filed through her attorney-holder i.e. her father, who is about 59 years old. It is submitted that on account of this matrimonial dispute, the applicant had already filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the petition under Section 13 of the Hindu Marriage Act, which are pending in the Courts at Moga.

In the given circumstances, taking into consideration the convenience of the applicant, a prayer is made for transfer of the petition under Section 9 of the Hindu Marriage Act, from Patiala to Moga.

On the contrary, the counsel for the respondent has though not filed the reply, but he resists the claim for transfer. He submits that there is no satisfactory reason assigned for seeking transfer of the case. In fact, he submits that the applicant herself is residing at Canada and the petition under Section 9 of the Hindu Marriage Act, is pursued through her attorney-holder i.e. her father, who is a hale and hearty person.

As evident from the material brought on record, the applicant herself is residing at Canada and the application has been filed through her father, who is her attorney-holder and is 59 years old. There is nothing coming on record about the attorney-holder, facing any constrained circumstances, while pursuing the petition under Section 9 of the Hindu Marriage Act, pending in the Courts at Patiala.

Though, often the Courts give weightage to the convenience of wife, in case of transfer applications, relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances coming forth ought to be taken into consideration. In the case in hand, the applicant



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herself is residing at Canada and the petition under Section 9 of the Hindu Marriage Act, is pursued through her father, who as such, is also not having any constrained circumstances, while pursuing the petition and he is 59 years old. Taking into consideration the distance between the two places, the attorney-holder may not face any difficulty in pursuing the petition under Section 9 of the Hindu Marriage Act, pending at Patiala.

In view of the aforesaid fact situation and considering there to be no mitigating circumstance, the transfer application is hereby dismissed.

04.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No