



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

Sr. No.117

**TA-1338-2024 (O&M)
Date of Decision: 27.08.2025**

KULWINDER KAUR

....Applicant

Versus

SUKHWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Hakam Singh, Advocate
for the applicant.

Ms. Amandeep Kaur, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-18808-CII-2024

Keeping in view the averments made in the application, same is allowed.

Main case

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/349/2023, titled '*Sukhvinder Singh Vs. Kulwinder Kaur*', 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 Sangrur.

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



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29.11.2003. Two daughters and one son were born from the said wedlock, now are in the age-group of 9-14 years and they are presently, in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the petition under Section 125 Cr.P.C., filed by the applicant, is pending in the Courts at Sangrur and interim maintenance was fixed, which has not been paid by the respondent. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 60 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

On the other hand, counsel for the respondent submits that distance between the two places has been falsely stated to be 60 kilometres, whereas, it is not more than 35-40 kilometres. Furthermore, she submits that the petition under Section 125 Cr.P.C., has been finally disposed of.

It is pertinent to mention that even though, counsel for the respondent has submitted about the petition under Section 125 Cr.P.C. to have been finally disposed of, by learned Family Court, but no material is coming on record. In fact, no reply has been filed at the behest of the respondent. There are various circumstances, which ought to be taken into consideration, while considering the transfer application relating to the matrimonial dispute. The distance between the two places is one of the factors, but however, the more weighing factor is about the three children, born from the wedlock of the parties, to be in the care and custody of the applicant.

On query by this Court, it is submitted by the counsel for the applicant that the applicant is not having any source of earning and as such, she had filed the petition under Section 125 Cr.P.C.



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In view of the aforesaid fact situation and considering the fact of the applicant taking care of three children, while having no source of earning, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/349/2023, titled '*Sukhvinder Singh Vs. Kulwinder Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Sangrur. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Sangrur.

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

27.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No