



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

Sr. No.212

**TA-1336-2024
Date of Decision: 20.05.2025**

DILPREET SINGH

....Applicant

Versus

DILPREET KAUR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Prince Goyal, Advocate
for the applicant.

Mr. G.S.Virk, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant/husband has filed the present application for seeking transfer of the petition under Section 12(1), 17, 18, 19, 20, 22 & 23 of the Protection of Women from Domestic Violence Act i.e. COMA/3707/2023 titled “*Dilpreet Kaur v/s Dilpreet Singh and others*”, filed by the respondent/wife, which is pending in the courts at Patiala and he seeks transfer of the same to the court of competent jurisdiction at Ludhiana.

Upon notice, the respondent made appearance through counsel and submits that he does not intend to file reply, though he contest the transfer application.

Counsel for the parties heard.

At the very outset, it is submitted that on account of matrimonial dispute, the parties are residing separate. Two male children, born from the wedlock of the parties, who are in the age group of 12-18



years, are presently in the care and custody of the applicant. Also, it is submitted that the applicant/husband, is suffering from 56% permanent disability, in relation to his left *hemiparesis*. On account of this ailment, the applicant is unable to move freely and he always requires assistance of one person. Counsel has also placed on record the copy of the disability certificate, copy whereof is Annexure P-3. Also, it is submitted that considering the disability of the applicant, even the transfer application i.e. TA-179-2024, filed by the respondent/wife, for seeking transfer of the divorce petition i.e. HMA/2934/2023, was dismissed, vide order dated 28.08.2024, copy whereof is Annexure P-4.

Considering the same, it is submitted that since the applicant is taking care of both the children and he is himself disabled, the transfer application be allowed.

On the other hand, counsel for the respondent submits that though the reply has not been filed, but however, the applicant is not disabled to the extent, as he claims. Even, he moves around on the motorcycle freely and if it be so, he is also in a position to pursue the divorce petition, if remained pending in the courts at Patiala.

Considering the rival submissions, at the very outset, it is pertinent to mention that TA-179-2024, filed at the instance of Dilpreet Kaur, for seeking transfer of the divorce petition, was dismissed by this court, more particularly, considering the physical disability of the applicant, which is to the extent of 56%. The Disability Certificate shows that it is a case of locomotor disability of left *hemiparesis* and he is 56% permanent disabled.

In view of the aforesaid circumstances and taking into consideration the transfer application qua divorce petition was dismissed on



the same parameters and to facilitate the applicant to defend the petition under Section 12(1), 17, 18, 19, 20, 22 & 23 of the Protection of Women from Domestic Violence Act, more particularly, while he is taking care of the two minor children, the transfer application is hereby allowed and the petition under Section 12(1), 17, 18, 19, 20, 22 & 23 of the Protection of Women from Domestic Violence Act i.e. COMA/3707/2023 titled “*Dilpreet Kaur v/s Dilpreet Singh and others*”, filed by the respondent/wife, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Ludhiana.

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

The Court concerned shall make an endeavour to adjourn all the cases, preferably for one and same date.

Even, the respondent always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

20.05.2025

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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No