



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

Sr. No.144

TA-1509-2024

Date of Decision: 12.05.2025

GAGANDEEP KAUR

....Applicant

Versus

GURNISHAN SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Amarjeet Kaur, Advocate for
Mohd. Salim, Advocate
for the applicant.

Mr. Deep Inder Singh Walia, Advocate for
Ms. Gursimran Walia, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Respondent was proceeded against *ex parte*, vide order dated 07.05.2025. However, at this stage, Mr. Deep Inder Singh Walia, Advocate, who was earlier making appearance on behalf of the respondent, has made appearance and filed Memorandum of appearance, which is taken on record. The counsel for the respondent is allowed to join proceedings, at this stage.

The counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/216/2024, titled '*Gurnishan Singh Vs. Gagandeep Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Samana, District Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Malerkotla.

At the very outset, it is submitted by the counsel for the



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applicant that the marriage between the parties to the lis, had taken place on 12.08.2018. On account of the matrimonial dispute, the parties are residing separate. Two children born from the said wedlock, who are aged about 5 years and 1 year, are presently in the care and custody of the applicant. The applicant has no source of earning and as such, is totally dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as well as the petition under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Malerkotla and the respondent is making appearance in both the aforesaid cases. In the given circumstances, it is submitted that while taking care of two minor children, it is difficult for the applicant to commute a distance of about 70 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

On the other hand, the counsel for the respondent, who has joined the proceedings today, has not filed reply. However, he submits that it shall be too harsh for the respondent also, to pursue the petition under Section 9 of the Hindu Marriage Act, if the transfer application is accepted.

In view of the submissions aforesaid and considering the fact that generally the Courts lean towards the convenience of wife in case of the transfer applications relating to the matrimonial disputes, more particularly, when the applicant is taking care of two minor children, while having no source of earning and also considering the fact about two cases arising from the matrimonial dispute, already pending in the Courts at Malerkotla, which are being pursued by the respondent, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/216/2024,



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titled '*Gurnishan Singh Vs. Gagandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Samana, District Patiala, to the Court of competent jurisdiction at Malerkotla. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Samana, to the District and Sessions Judge, Malerkotla.

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

12.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No