



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

Sr. No.319

TA-1519-2024

Date of Decision: 19.09.2025

GURPREET KAUR

....Applicant

Versus

NARINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Bharat Puri, Advocate
for the applicant.

Mr. Mitul Singh Rana, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

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/219/2024, titled '*Narinder Singh Vs. Gurpreet Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Dasuya, District Hoshiarpur and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

In pursuance of notice issued, the respondent made appearance through counsel. However, the counsel had made a statement that the respondent does not intend to file reply to the transfer application, though he contests the same.

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 04.11.2018. One girl child was born from the said wedlock, who is about 3



TA-1519-2024

years old and she is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning and as such, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Jalandhar and the respondent has made appearance in the same. The distance between the two places is stated to be about 65 kilometres.

On the other hand, counsel for the respondent has submitted that it shall be too harsh for the respondent also, to pursue the litigation, if the transfer application is accepted.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts give weightage to the convenience of wife, while considering transfer application relating to the matrimonial dispute. However, there is no cast iron formula to be applied, while deciding the transfer applications. Each case has to be adjudicated in the backdrop of its own facts and circumstances. In the case in hand, the applicant is not having any source of earning. Even, the daughter born from the wedlock of the parties, who is about 3 years old, is in the care and custody of the applicant. Even, one other case i.e. the maintenance petition, is already pending in the Courts at Jalandhar, which is pursued by the respondent. Though, the distance is stated to be only 65 kilometres, but however, the distance is not the sole factor, which ought to be taken into consideration. The most weighing factor is the child, residing with the applicant/mother, who herself is not having any source of earning.

Considering the aforesaid mitigating circumstances, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e.



TA-1519-2024

HMA/219/2024, titled '*Narinder Singh Vs. Gurpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Dasuya, District Hoshiarpur, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Dasuya, to the District and Sessions Judge, Jalandhar.

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

19.09.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No