



TA-1559-2024 (O&M) & TA-556-2025 (O&M)

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

Sr. No.153

Date of Decision: 23.07.2025

1.

TA-1559-2024 (O&M)

KAMALPREET KAUR VIRK

....Applicant

Versus

GUNTAS SINGH RANDHAWA

.....Respondent

2.

TA-556-2025 (O&M)

KAMALPREET KAUR VIRK

....Applicant

Versus

GUNTAS SINGH RANDHAWA AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Puneet Bali, Senior Advocate, assisted by
Mr. Prateek Gupta and Ms. Niharika Mittal, Advocates
for the applicant (in both the cases).

Mr. Sunil Chadha, Senior Advocate, assisted by
Ms. Tanvi Dhull, Advocate
for the respondent (in TA-1559-2024) and



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for respondent No.1 (sole contesting respondent)
(in TA-556-2025).

Ms. Indresh Goel, Senior Panel Counsel
for respondents No.2 and 6 (in TA-556-2025).

Ms. Archana Vashisht, Advocate
for respondent No.3 (in TA-556-2025).

Mr. Deepak Malhotra, Addl. Standing Counsel
for respondent No.4 (in TA-556-2025).

None for respondent No.5 (in TA-556-2025).

ARCHANA PURI, J. (Oral)

Vide this order, I shall dispose of two applications, filed by Kamalpreet Kaur Virk-applicant/wife, for seeking transfer of the litigation, pending between the parties to the lis.

TA-1559-2024 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/945/2024, titled '*Guntas Singh Randhawa Vs. Kamalpreet Kaur Virk*', filed by the respondent-husband.

TA-556-2025 has been filed by the applicant (wife of respondent No.1), for seeking transfer of the civil suit i.e. CS/537/2025, titled '*Guntas Singh Randhawa Vs. Kamalpreet Kaur Virk and others*', filed by respondent No.1.

Both the aforesaid cases are pending in the Courts at Chandigarh and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Nawanshahr, District Shaheed Bhagat Singh Nagar.



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In pursuance of the notice issued, respondent-Guntas Singh Randhawa, who is the sole contesting respondent, made appearance through counsel. In the transfer application i.e. TA-1559-2024, relating to transfer of the divorce petition, reply was filed at the instance of the respondent. However, no reply was filed in TA-556-2025.

Applications were filed at the behest of respondent-Guntas Singh Randhawa, in both the transfer applications, for seeking modification of the order dated 27.5.25 passed by this Court. Though, the said applications were dismissed, but however, it was stated therein about the respondent having no objection if the cases are transferred to any Court of competent jurisdiction, other than Nawanshahr, District Shaheed Bhagat Singh Nagar. As such, there was felt to be no necessity to file reply to TA-556-2025. In any case, the reply filed in the connected transfer application i.e. TA-1559-2024, shall be taken into consideration, while disposing of the second application, filed to seek transfer of the civil suit.

The counsel for the parties heard.

For the convenience of discussion, the parties shall be referred, as pleaded in TA-1559-2024.

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 21.12.2013. One daughter was born from the said wedlock on 26.09.2020, who is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. In fact, it is submitted that the applicant, along with the minor daughter, was turned out of the



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matrimonial house. The respondent had not been providing any maintenance to the applicant, or the minor daughter.

Furthermore, it is submitted that the mother of the applicant, namely, Paramvir Kaur, is a 'Gynaecologist' in SBS Nagar and her father had already died on 17.12.2012. The applicant has two sisters, who are residing in United States of America. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 90 kilometres, to defend the divorce petition, as well as the civil suit, filed by the respondent, more particularly, while taking care of the minor daughter, who is studying in Shivalik Public School, Nawanshahr. Also, it is submitted that the mother of the applicant is an aged lady, who is already supporting the applicant and her daughter. Therefore, she is not in a position to accompany the applicant to Chandigarh, to attend the hearing of the aforesaid cases.

At this stage, it is pertinent to mention that applications for modification of the order were filed at the instance of the respondent, in both the transfer applications, wherein the parties were directed to file an affidavit, with regard to the detail of the properties owned by them. However, the applications aforesaid were dismissed by this Court. During the pendency of the said applications also, in order to given quietus to the controversy, as to whether the divorce petition and civil suit are liable to be transferred, consent was given by the counsel for the respondent to transfer the divorce petition and the civil suit from the Courts at Chandigarh, to any Court of competent jurisdiction, other than Nawanshahr, as it was asserted



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that the applicant, as well as her family wields lot of influence in Nawanshahr.

In the given circumstances, when the consent has been expressed by the respondent for having no objection to transfer the cases, though rider has been placed upon to transfer the cases to any place other than Nawanshahr, no reference is made to the contents of the reply, to resist the transfer applications.

In view of the aforesaid submissions, the question arises, as to whether the cases in question, ought to be transferred or not.

Section 24 of the CPC had conferred comprehensive powers on the Courts to transfer suits, appeals or other proceedings, at any stage ***‘either on an application by any party or suo motu’***. No doubt, it is a discretionary power to transfer the cases, but however, such power has to be exercised with due care, caution and circumspection. Time and again, the Courts have laid down the broad propositions, as to what may constitute a ground for transfer of the case. Few of them are to consider the financial affluence of either of the parties; the social strata of the spouses and the behavioral pattern; their stand of life and antecedents prior to marriage and subsequent thereto, as well as circumstances of either of the parties, in eking out their livelihood and under whose protected umbrella, they are seeking their sustenance to life.

Besides the aforesaid circumstances, it is also pertinent to mention that though, the Courts generally lean towards the convenience of wife, while dealing with the transfer applications relating to the matrimonial



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dispute, but however, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration and then some balancing of convenience/inconvenience of the parties, ought to be done. There is no straight-jacket formula to be applied for the exercise of the power of transfer of the case. Each case has to be considered in its own background and distinction of one significant detail, may alter the decision of the transfer application.

Adverting to the case in hand, the most important weighing factor is the girl child, aged about 5 years, who is in the care and custody of the applicant. She is studying in Shivalik Public School, Nawanshahr. This fact has to be taken into consideration.

On query by the Court, it has been disclosed by the counsel for the applicant that the applicant is working as an 'Assistant Professor' in Nawanshahr, since April 2025. This fact also finds mention in the affidavit furnished at the instance of the applicant yesterday. Besides the same, it has to be considered that the mother of the applicant is also a working woman. Therefore, it shall be difficult for her also, to take care of the child, in the absence of the applicant. Considering the same, it is pertinent to mention that the applicant had joined the teaching job, only in the Month of April 2025, which in itself reveals about her having joined the job, under the constrained circumstances arising from this matrimonial dispute.

Even though, the respondent has expressed his consent, for acceptance of the transfer applications and to transfer the cases out of Chandigarh, but he has placed a rider that it be not transferred to



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Nawanshahr, as the applicant and her family wield influence there. However, this assertion is quite vague. As to what kind of influence is wielded at the instance of the applicant and her family, is not evident. Even, no material has been placed on record, to substantiate this assertion. Simply, on the score of family residing at Nawanshahr, *ipso facto*, does not establish about exercise of influence, more particularly, when the Courts are to deal with the cases, on the basis of the material brought on record. As such, this assertion at the behest of the respondent, cannot be considered. Furthermore, request was also made by the counsel for the respondent, to transfer the case to the Courts at Rupnagar. However, the same is also not acceptable. The distance between the two places, where the cases are already pending and where they are proposed to be transferred, is 90 kilometres and there is good road connectivity on the said route. As such, the distance is not to such an extent, which calls for any mid-point station, looking into the convenience of both the parties. Considering the same, there is no necessity, as such, for transfer of the cases to Rupnagar.

In view of the aforesaid fact situation and in the fitness of circumstances, it is just and expedient to accept the transfer applications. Hence, both the transfer applications i.e. TA-1559-2024 and TA-556-2025 are allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/945/2024, titled '*Guntas Singh Randhawa Vs. Kamalpreet Kaur Virk*' and the civil suit i.e. CS/537/2025, titled '*Guntas Singh Randhawa Vs. Kamalpreet Kaur Virk and others*', filed by the respondent-Guntas Singh Randhawa, stand transferred from the Courts at Chandigarh, to the Court of



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competent jurisdiction at Shaheed Bhagat Singh Nagar. The requisite record of the aforesaid cases be sent by the Courts concerned, to the District and Sessions Judge, Shaheed Bhagat Singh Nagar.

Learned District and Sessions Judge, Shaheed Bhagat Singh Nagar, shall assign the said petition to the Court of competent jurisdiction at Shaheed Bhagat Singh Nagar. Even, the parties are directed to appear before the concerned Courts, within a period of one month from today onwards.

Pending civil miscellaneous application(s), in both the cases, also stand disposed of.

23.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No