

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****279****TA-274-2026(O&M)****Date of decision: 27.05.2026****Davinder Singh & Others****...Petitioner(s)****Vs.****Komal****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Ms. Navneet Kaur, Advocate
for the petitioners.Mr. Amit Puri, Advocate
for the respondent.

NIDHI GUPTA, J.

Prayer in this petition filed by petitioners/parents-in-law and sisters-in-law of the respondent under Section 24 CPC is for transfer of complaint bearing No.COMA/3653/2022 (Annexure P2) titled as "Komal Vs. Satnam Singh" filed by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005, from the Court of learned Judicial Magistrate, 1st Class, Patiala to the Court of competent jurisdiction at District Court Bathinda.

2. Ld. counsel for the petitioners seeks transfer of the above said Petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P2) *inter alia* on the following grounds:

i) that the respondent was married to son of petitioners No.1 and 2 on 11.02.2020;



- ii) one son was born out of their wedlock on 08.09.2021, who is in the care and custody of the respondent herein;
- iii) soon after her marriage, respondent had left the matrimonial home and had started residing separately along with her husband and child;
- iv) due to matrimonial discord, the respondent and her husband had started living separately since October 2021;
- v) husband of the respondent (son of petitioners No.1 and 2 & brother of petitioners No.3 to 5) expired on 29.02.2024 as is evident from Death Certificate (Annexure P3);
- vi) the petitioners No.1 and 2 are aged 78 and 77 years old respectively; and suffering from old-age related problems which has restricted their movement and mobility as a result of which they are unable to travel;
- vii) petitioners No.3 to 5 are the married sisters-in-law of the respondent and are happily settled in their own matrimonial homes and have nothing to do with the respondent;
- viii) petitioner No.5 is residing in the UK for the last several years;
- ix) no other case is pending at Patiala;
- x) one side distance between Bathinda and Patiala is 150 km;
- xi) the petitioners have already undergone deep emotional and physical trauma due to the death of their only son/brother and are therefore, unable to undertake the travel of 150 km one side from Bathinda and Patiala.

3. It is further submitted that despite matrimonial discord between the respondent and the now deceased son/brother of the



petitioners, the petitioners out of love for their son and grandchild provided the funds for the Patiala house where the respondent is currently residing with the minor child. While the respondent alleges that she was deprived of financial support, she fails to mention that the very roof over her head in Patiala was being paid for by her father-in-law Davinder Singh. This act of benevolence is now being met with malicious litigation, showing the respondent's lack of gratitude and her intent to harass the elderly petitioners.

4. It is further submitted that in fact the petitioners were unaware that the respondent had filed the above-said complaint under Section 12 of the DV Act, 2005 on 15.10.2022 (Annexure P2). The petitioners became aware of the said proceedings only on 15.09.2025 when they received summons. It is submitted that all the petitioners are settled in their own respective lives in Bathinda and UK and have never interfered in the marital affairs of the respondent. Their inclusion in the complaint is a classic case of over-implication where every member of the husband's family is named regardless of their involvement or residence. Since the petitioners are residents of Bathinda, it is in the interest of justice that they be allowed to defend themselves in a Court located within their home district. Moreover, matrimonial home of the respondent was at Bathinda. Therefore, cause of action if any, has arisen to the respondent at Bathinda.



5. It is accordingly prayed that the present petition be allowed; and complaint bearing No.COMA/3653/2022 (Annexure P2) titled as “Komal Vs. Satnam Singh” filed by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 be transferred from the Court of learned Judicial Magistrate, 1st Class, Patiala to the Court of competent jurisdiction at District Court Bathinda.

6. Per contra, learned counsel for the respondent opposes the submissions of the petitioners and submits that the respondent has to single-handedly take care of her minor child and therefore, the present Transfer Application deserves to be dismissed.

7. I have heard learned counsel for the parties. I find merit in the submissions advanced on behalf of the petitioners.

8. On a Court query, ld. counsel for the respondent has admitted that there is no other litigation between the parties pending at Patiala. It is also not disputed that the petitioners no.1 and 2 are geriatrics and suffering from old age problems. It has also not been disputed that the sisters-in-law are residing in their respective matrimonial homes. In view of this admitted position, it will be wholly inequitable and unfair to drag the petitioners 150 km away to Patiala. On the other hand, the respondent has failed to show any such extenuating or unsurmountable circumstances that would cause her such hardship to prevent her to travel to Bathinda; and that too not on every date of hearing, but only on effective dates. The petitioners No.1 and



2 are aged 78 and 77 years respectively. The petitioners No.1 to 4 are residing in Bathinda whereas petitioner No.5 is a resident of United Kingdom. Thus, petitioners would face far greater difficulty and inconvenience in travelling from Bathinda to Patiala, then the respondent.

9. Besides the facts as noted hereinabove, it is not disputed by learned counsel for the respondent that the petitioner No.1 has paid for the residential house being occupied by the respondent and the minor child.

10. This Court is also well aware that the preponderance of law in cases of transfer emanating from matrimonial disputes is in favour of the wife. Despite that, facts of each case have to be examined on their own merit. Moreover, in certain cases similar to the present one, the Hon'ble Supreme Court, as well as this Court have refused relief to the wife. One such case is: **(2006) 9 SCC 197 'Anindita Das Vs. Srijit Das'** wherein Hon'ble Supreme Court under similar circumstances dismissed the wife's application seeking transfer of petition filed by the husband. Reference may also be made to two cases of this Court where, in similar circumstances this Court had dismissed transfer applications filed on behalf of the wife. These are: **TA No. 126 of 2018 'Smt. Akhwinder Kaur Vs. Sh. Gurpreet Singh'**; and **TA No. 299 of 2019 'Nisha alias Manisha vs. Amarveer Yadav'**. The above said view has been reiterated by the Hon'ble Supreme Court most recently in **Vipul Changanlal Solanki v. Nikita Vipul Solanki, (SC) : Law Finder Doc Id # 2843797** decided on 12.1.2026.



11. Thus, keeping in view the entirety of the afore-noted peculiar facts and circumstances of this case, this Court deems it fit to **allow** the present Transfer Application, subject to the following conditions: -

- a) complaint bearing No.COMA/3653/2022 (Annexure P2) titled as “Komal Vs. Satnam Singh” filed by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is transferred from the Court of learned Judicial Magistrate, 1st Class, Patiala to the Court of competent jurisdiction at District Court Bathinda;
- b) The Id. District Judge, Patiala is directed to transfer complete record pertaining to the aforesaid case to District Judge, Bathinda.
- c) The parties are directed to appear before the District & Sessions Judge, Bathinda on 16.7.2026.
- d) The District Judge, Bathinda will assign the said petition to the Court of competent jurisdiction.

12. It is directed that a copy of this order be sent to the District Judges concerned through e-mail.

13. Present Transfer Application stands **allowed** as above.

14. Pending application(s), if any, stand(s) disposed of.

27.05.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No