



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

Sr. No.205**TA-328-2025****Date of Decision: 20.01.2026****NAVJOT KAUR****....Applicant****Versus****ONKARBIR SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. B.S.Randhawa, Advocate
for the applicant.

Mr. Jasjit Singh Saini, 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/423/2024, titled '*Onkarbir Singh v/s Navjot Kaur*', filed by the respondent-husband, pending in the Family Court, Batala, District Gurdaspur and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

Upon notice issued, the respondent made appearance through counsel and filed reply.

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 29.12.2023 and one daughter born from the said wedlock, who is about 10



years old, is in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and is dependent upon her parental family. She has not indulged into any litigation, on account of this matrimonial dispute. The distance between the two places is stated to be 65 kms.

On the other hand, counsel for the respondent while making reference to the reply submits that the distance is only about 40 kms and two places are well connected. Therefore, no reason, as such, is made out for acceptance of the transfer application.

In view of the submissions made aforesaid, it is pertinent to mention that while dealing with the transfer application, relating to the matrimonial dispute, various factors are required to be taken into consideration, such like the education of the spouses and their source of earning as well as which spouse is having the custody of the child and his/her capacity to raise the child; the distance between the two places and convenience of witnesses etc, so on and so forth. One circumstantial distinction may change the order to be passed on the transfer application. As such, each case has to be decided in its own factual background.

In the case in hand, though the distance is stated to be 65 kms, but however, counsel for the respondent submits that the distance is only 45 kms. May it be so, there are other circumstances spelt out, which also ought to be taken into consideration. The most weighing factor in the present case is about the applicant, having the custody of growing female child, who is about 10 years old, more particularly, when she is not having any source of



earning. Considering the said circumstance, the distance, as such, may not be of that important, as now stated by the counsel.

In view of the aforesaid circumstances, it is just and expedient to accept the transfer application. As such, the transfer application is hereby allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/423/2024, titled ‘*Onkarbir Singh v/s Navjot Kaur*’, filed by the respondent-husband, stands transferred from the Family Court, Batala, District Gurdaspur, to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Family Court, Batala, to the District and Sessions Judge, Amritsar.

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

20.01.2026
Sonu Saini

(ARCHANA PURI)
JUDGE

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