



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

Sr. No.109

TA-342-2025

Date of Decision: 29.01.2026

SARABJEET KAUR ALIAS SARABJIT KAUR

....Applicant

Versus

GURJANT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Raghav Soni and Mr. Manish Kamra, Advocates
for the applicant.

Mr. Dilpreet Singh Gandhi, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Power of Attorney at the behest of the respondent, already filed
before the Registry, is taken on record.

At this stage, counsel for the respondent submits that he does
not intend to file reply to the transfer application, though, he contests the
same.

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/195/2024, titled '*Gurjant Singh Vs. Sarabjit Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Patti, District Tarn Taran and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

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 07.12.2025. One son born from the said wedlock, who is about 6½ years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/21/2025, which is pending in the Courts at Amritsar and the respondent is making appearance in the same. The distance between the two places is stated to be 51 kms.

On the other hand, though, counsel for the respondent has not filed reply, but he submits that the distance between the two places, has been falsely stated to be 51 kms., whereas it is only 40 kms. Also, he submits that the distance is not such, which is bound to cause much inconvenience to the applicant, even if the petition under Section 9 of the Hindu Marriage Act, remains pending at Patti.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while



considering the transfer application relating to the matrimonial dispute, though it may not be a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. The reply has not been filed, at the instance of the respondent, to resist the application. In fact, counsel for the respondent only states about the distance between the two places, to be about 40 kms. May it be so. While adjudicating on the transfer application, *vis-a-vis*, the matrimonial dispute, various factors are required to be taken into consideration and the distance between the two places, where the litigation is pending and where it is sought to be transferred, is one factor, which ought to be considered.

In the case in hand, the most weighing factor is about the son born from the estranged marriage, who is about 6½ years old, to be in the care and custody of the applicant. On query by this Court, counsel for the applicant submits that he is not aware about the child, to be studying in school. In any case, considering the age of the child, he is bound to be studying. It is pertinent to mention that several challenges must be faced by the applicant in upbringing of the child, more particularly, when she is not having any source of earning.

In view of the aforesaid fact situation and also considering the fact of maintenance petition, filed by the applicant, already pending in the Courts at Amritsar, which is pursued by the respondent, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/195/2024, titled '*Gurjant Singh Vs. Sarabjit Kaur*', filed by the respondent-husband, stands transferred from the Family Court



(Camp Court) Patti, District Tarn Taran, to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Patti, 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.

29.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No