



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

Sr. No.207

**TA-343-2025 (O&M)
Date of Decision: 20.01.2026**

MANDEEP KAUR

....Applicant

Versus

VARINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arastu Chopra, Advocate
for the applicant.

Mr. S.S.Kamboj, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/459/2022, titled '*Varinder Singh v/s Mandeep Kaur*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

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 from the estranged marriage, two sons were born. The elder son is about 14 years old and is in the custody of the respondent, whereas, the younger son, who is about 10 years old, is in the care and custody of the



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applicant. Earlier also, the respondent had filed the divorce petition in the courts at Ambala, copy whereof is Annexure P-2 and in pursuance of the transfer application filed at the instance of the applicant, the same was transferred to Patiala, vide order dated 16.01.2019, copy whereof is Annexure P-3. After the transfer order was passed, the respondent, vide order dated 30.04.2019, had withdrawn the divorce petition, copy whereof is Annexure P-4. Thereupon, he has filed fresh divorce petition at Patiala. Further, it is submitted that the applicant is not having any source of earning. The distance between the two places is stated to be 70 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant has not come to the court with clean hands. In fact, after the transfer of the divorce petition earlier filed at the instance of the respondent, compromise was effected between the parties and it was agreed that they shall file the petition for seeking divorce by mutual consent. However, the applicant backed out from the said compromise and in the given circumstances, the respondent was constrained to file the divorce petition.

In view of the submissions made aforesaid, it is pertinent to mention that even though, the respondent states about the arrival of amicable settlement between the parties, but however, there is no material, as such, is coming forth, to substantiate the plea of the compromise having effected and also about the divorce petition, having withdrawn, on this account. The plea of the amicable settlement does not find reflected in the order dated 30.04.2019, copy whereof is Annexure P-4.



Furthermore, during the course of making submissions, it is also submitted by the counsel for the applicant that in the custody petition filed at the instance of the respondent, for seeking custody of the younger son, which is pending in the courts at Patiala, the applicant is making appearance. However, the counsel for the respondent submits that he has no instructions, with regard to the same. May it be so, considering the earlier transfer application, having accepted and the divorce petition, thereupon was withdrawn by the respondent and also taking into consideration about the applicant not having any source of earning and the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/459/2022, titled '*Varinder Singh v/s Mandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court, Ambala, to the District and Sessions Judge, Patiala.

Learned District and Sessions Judge, Patiala, shall assign the said petition to the Family Court, Patiala. Even, the parties are directed to appear before the Family Court, Patiala, 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