



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

Sr. No.104

TA-446-2025

Date of Decision: 07.04.2026

HARPREET KAUR

...Applicant

Versus

GURPREET SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Dishant, Advocate for
Mr. Satnam Singh, Advocate
for the applicant.

Mr. Shakti Mehta, 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. DMC/40/2025, titled '*Gurpreet Singh Vs. Harpreet Kaur*', filed by the respondent-husband, pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Nakodar, District Jalandhar.

In pursuance of 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 22.12.2013. Two sons were born from the said wedlock, who are studying in the school at Nakodar. They are in the care and custody of the applicant. The applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she has filed the maintenance petition, which is pending in the Family Court (Camp Court) Nakodar, District Jalandhar. The distance between the two places is stated to be 150 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, it is submitted that the applicant is working and financially independent woman, as she is having a handsome income. As such, she has the capacity to pursue the petition under Section 9 of the Hindu Marriage Act, even if it remains pending at Patiala. Further, it is submitted that the respondent left the matrimonial home on 13.11.2024, of her own, without any justifiable reasons. In fact, it is submitted that the respondent is still interested for saving this marriage.

In view of the submissions aforesaid, it is pertinent to mention that while considering the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration. The most relevant and weighing factor, in the present case, is about the children i.e. sons, born from the broken marriage, who are studying in the school at Nakodar. Both the said children are in the care and custody of the applicant, who herself is not having any source of earning. Thus, she together with her



children, is dependent upon her parental family. Even the petition for maintenance has been filed by the applicant, which is pending in the Courts at Nakodar.

Considering the aforesaid circumstances, it is pertinent to mention that though, it is mentioned in the reply that the applicant is having source of earning and also during the course of making submissions, counsel for the respondent has submitted that the applicant is working as a 'Teacher' in J.D. Central, School, but however, there is no mention made about the vocation so followed by the applicant, in the reply and also name of the school, where she is allegedly employed, has not been mentioned. Thus, the version, now put forth by the respondent is vague one, which is not substantiated by any material brought on record.

In view of the aforesaid fact situation, more particularly, taking into consideration the fact about the applicant taking care of two growing sons, she is bound to be facing many challenges, while doing singular parenting and also considering the fact of one other litigation, already pending between the parties at Nakodar, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/40/2025, titled '*Gurpreet Singh Vs. Harpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Nakodar, District Jalandhar. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Jalandhar.



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

07.04.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No