



TA-511-2024

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

Sr. No.106

TA-511-2024

Date of Decision: 18.03.2026

JASVEER KAUR ALIAS JASBIR KAUR**....Applicant****Versus****JAGDEEP SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Bhupinder Ghai, Advocate
for the applicant.

Mr. Lakhwinder Singh Mann, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)**CM-25268-CII-2025**

The present application has been filed at the behest of the applicant, for placing on record Annexures P-5, P-6 and P-7.

On query, it is stated by the counsel that the requisite documents relate to the protection, sought by the respondent, while he was having live-in relationship, with one Sandeep Kaur, during the subsistence of his marriage with the applicant and also, to substantiate the plea of the applicant, about herself to be residing with him in the matrimonial house, at the relevant time.



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Without prejudice to the rights of the parties, to be adjudicated on merits, the said application is allowed and the documents i.e. Annexures P-5, P-6 and P-7, are taken on record.

CM-5474-CII-2026

The present application has been filed at the behest the applicant, for placing on record Annexure P-8, which is copy of criminal writ petition, filed by the respondent along with Sandeep Kaur, his live-in partner, to seek protection from this Court.

In view of the order earlier passed, the said application is allowed and the requisite document i.e. Annexure P-8, is taken on record.

Main case

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/291/2023, titled '*Jagdeep Singh Vs. Jasvir Kaur*', filed by the respondent-husband, pending in the Family Court, Fatehgarh Sahib and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

In pursuance of notice issued, respondent made appearance through counsel and filed the 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 27.01.2015 and two sons were born from the said wedlock, who are aged about 10 years and 5 years. However, on account of matrimonial dispute, the



parties are residing separate. Both the sons are in the care and custody of the respondent/husband. In fact, the counsel, while making reference to paragraphs No.10, 11 and 12 of the application, wherein specific incidents have been narrated, with regard to atrocities committed upon the applicant, by the respondent and his family, submits that it clearly reflects about the applicant to be residing in the matrimonial house, during the requisite dates. However, while making reference to the divorce petition, copy whereof is Annexure P-1, more specifically, paragraph No.13 of the said petition, he submits that false assertion has been made about the applicant to have gone away from the matrimonial house in December, 2022. In fact, it is submitted that the divorce petition was filed, without any knowledge to the applicant, while she was staying in the matrimonial house.

Moreover, the counsel submits that the applicant is not having any source of earning and she has also filed petition under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 and the petition under Section 125 of Criminal Procedure Code, which are pending in the Courts at Chandigarh and the respondent is making appearance in the same. Counsel for the applicant also submits that after filing of the transfer application, an FIR under Sections 406 and 498-A of Indian Penal Code, has also been got registered by the applicant, against the respondent and the same is pending investigation. The distance between the two places is stated to be 45 kilometres.

Furthermore, the counsel, while making reference to the documents, which have been brought on record today, vide CM-25268-CII-



2025 and CM-5474-CII-2026, makes a submission that the respondent himself is having a live-in relationship with one woman namely, Sandeep Kaur and he, together with his live-in partner, had filed petition, thereby seeking protection i.e. CRWP-3206-2024 and vide order dated 10.04.2024, passed in the same, protection was given to him. Also, the counsel has made reference to the photographs annexed, which have been taken on record today, which clearly reflect about the applicant, to be residing in the matrimonial house, even after December, 2022, which counters the claim of the respondent, about the applicant to have left the matrimonial house.

On the other hand, counsel for the respondent, while making reference to the reply, refuted the claim for transfer. In fact, the counsel submits that the distance is only 45 kilometres and both the children, born from the estranged marriage, are in the care and custody of the respondent. With regard to the documents brought on record, about live-in relationship of the respondent, counsel submits that the same cannot be a ground for seeking transfer of the case. In fact, the counsel submits that the respondent had filed a civil suit under Order 33 Rule 1 CPC and the same is pending in the Courts at Fatehgarh Sahib, but however, the applicant has not sought transfer of the same. As such, the counsel submits that if the applicant can pursue the other civil litigation, pending in the Courts at Fatehgarh Sahib, then, she can very conveniently pursue the divorce petition also, pending at that place.

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 and then, balancing of the convenience/inconvenience of both the spouses, ought to be done by the Court. The Courts generally lean towards the convenience of the wife, but however, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. The most weighing and relevant factor in the present case is about the two children, born from the estranged marriage, to be in the care and custody of the respondent/husband. Their age is also required to be taken into consideration. One son is about 10 years old and another is aged about 5 years. No doubt, the children are in the custody of the respondent, but however, at the same time, it ought to be considered that the applicant is not having any source of earning. Moreover, the children are not of such age, which calls for personal attendance of the father, all the time. Two other litigation, arising from the broken marriage, are already pending the Courts at Chandigarh. Maybe, the civil suit filed at the instance of the respondent, is pending in the Courts at Fatehgarh Sahib, but however, the counsel submits that the applicant also intends to seek transfer of the same. Besides the litigation under Protection of Women from Domestic Violence Act, pending in Chandigarh, another criminal case is in the offing and the same is pending investigation, at present.

Furthermore, the counsel for the applicant submits that the live-in relationship of the respondent with one Sandeep Kaur, relating to which the documents, as such, have been brought on record, is not to be considered for the purposes of adjudication of the transfer application. May it be so.



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The Court is keeping a conscious restraint of not making reference to any such relationship and the implications of the same, but however, suffice to consider that if the respondent, as such, can pursue the other litigation, with some other woman, in the Courts, then, definitely he can also very conveniently pursue the litigation, arising from this matrimonial dispute, while having the custody of the children.

In view of the aforesaid fact situation, more particularly, considering the applicant to be not having any source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/291/2023, titled '*Jagdeep Singh Vs. Jasvir Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Fatehgarh Sahib, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Fatehgarh Sahib, to the District and Sessions Judge, Chandigarh.

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

18.03.2026

Himanshu Vats/Preeti S.

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No