



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

Sr. No.249

TA-476-2025

Date of Decision: 14.01.2026

CHHINDERPAL KAUR

....Applicant

Versus

AMRITPAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Yogesh Kumar Aneja, Advocate
for the applicant.

Mr. Bhaskar Kandpal, Advocate for
Mr. Sherry K. Singla, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 11 of the Hindu Marriage Act i.e. DMC/1588/2024, titled '*Amritpal Vs. Chhinderpal Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Talwandi Sabo, District Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Sri Muktsar Sahib.

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 22.01.2022. One son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. Unfortunately, the matrimonial dispute arose between the parties. The applicant, along with her son, is residing at her parental place. She is not having any source of earning and as such, is dependent upon her parents. Even, she has filed the petition under Section 125 Cr.P.C., as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Sri Muktsar Sahib and respondent is making appearance in both the said cases. The distance between the two places is stated to be about 95 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 she was married, at the time of performance of marriage with the respondent and this fact was not disclosed. Also, it is submitted that the applicant has not sought divorce from her previous husband. Looking at her conduct, it is submitted that she is not entitled to seek transfer of the petition under Section 11 of the Hindu Marriage Act.

In view of the aforesaid submissions, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while adjudicating on the transfer application relating to the matrimonial dispute, though, it may not be a thumb rule. Various other circumstances, spelt out



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from the material brought on record, ought to be taken into consideration. In the case in hand, there is one son born from the estranged marriage, who is about 2 years old and is presently in the care and custody of the applicant. Two other litigations arising from this matrimonial dispute, are already pending in the Courts at Sri Muktsar Sahib and the respondent is pursuing the same. Even, the distance between the two places is 95 kms. Also, the applicant is not having any source of earning. Even though, much emphasis has been laid upon the applicant having not disclosed about her previous marriage and also not having sought divorce from her previous husband, but however, this conduct can only be appraised by the concerned Court, where the petition under Section 11 of the Hindu Marriage Act, is pending adjudication. Suffice to consider, for the purposes of disposal of the present application about the constrained circumstances, going in favour of the applicant, as stated aforesaid, more particularly, considering 2 years old son to be in the care and custody of the applicant. Obviously the applicant must be facing challenges, while taking care of the minor child. Moreover, two other litigations, arising from this matrimonial dispute, are already pending in the Courts at Sri Muktsar Sahib.

In view of the aforesaid fact situation, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 11 of the Hindu Marriage Act i.e. DMC/1588/2024, titled '*Amritpal Vs. Chhinderpal Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Talwandi Sabo, District Bathinda, to the Court of competent jurisdiction at Sri Muktsar Sahib. The requisite record of the aforesaid case be sent by the Family



Court (Camp Court) Talwandi Sabo, to the District and Sessions Judge, Sri Muktsar Sahib.

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

14.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No