



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

Sr. No.206**TA-575-2025****Date of Decision: 15.01.2026****GURPAWANDEEP KAUR****....Applicant****Versus****BALKARAN SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. P.K.S.Phoolka, Advocate
for the applicant.

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 13 (1) (ia) (ib) of the Hindu Marriage Act i.e. DMC/1548/2024, titled '*Balkaran Singh v/s Gurpawandeep Kaur*', filed by the respondent-husband, pending in Family Court, Talwandi Sabo, District Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Faridkot.

Upon notice issued, the 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 27.11.2023, but no child was born from the said wedlock. However, on



account of matrimonial disputes, the parties are residing separate. The applicant at present is residing at her parental place. She has no source of earning. She has filed petition under Section 144 of Bharatiya Nagarik Suraksha Sanhita, which is pending in the courts at Faridkot and the respondent is making appearance in the same. The distance between the two places is stated to be 100 kms.

On the other hand, counsel for the respondent submits that there is no justifiable reason coming forth, for seeking transfer of the divorce petition, as there is no child born. Otherwise also, the applicant is well qualified.

In view of the submissions aforesaid, it is pertinent to mention that while considering the transfer application, relating to the matrimonial disputes, there are various factors, which ought to be taken into consideration. There is no straight jacket formula to adjudicate on the transfer application. Each case has to be adjudicated on its own factual background, while taking into consideration various factors, such like, educational qualification of the spouse and their source of earning as well as which spouse is having the custody of the child (if any); the distance between the two places and convenience of the witnesses etc, so on and so forth.

No doubt, in the present case, as pointed out, there is no child born from the said wedlock, but however, the same is one of the factors to be considered. The most weighing factor in the present case is about the applicant having no source of earning and also one petition for seeking maintenance, to be already pending in the courts at Faridkot, wherein the



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respondent is making appearance. Even, on query by the court, it has been disclosed by the counsel for the respondent that the respondent is working in the Army and is posted at Ladakh. Considering the same, the litigation pending at District Head Quarter, is bound to be more convenient for him also, to pursue.

In the given circumstances, it is just and expedient to accept the transfer application. Hence, the same is hereby allowed and the petition under Section 13 (1) (ia) (ib) of the Hindu Marriage Act i.e. DMC/1548/2024, titled '*Balkaran Singh v/s Gurpawandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Talwandi Sabo, District Bathinda, to the Court of competent jurisdiction at Faridkot. The requisite record of the aforesaid case be sent by the Family Court, Talwandi Sabo, District Bathinda, to the District and Sessions Judge, Faridkot.

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

15.01.2026

Sonu Saini

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No