



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.105 (2 cases)

Date of Decision: 17.03.2026

1. TA-630-2025

SUKHDEEP KAUR

....Applicant

Versus

SATNAM SINGH

.....Respondent

2. TA-1376-2025

SATNAM SINGH

....Applicant

Versus

SUKHDEEP KAUR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Madhu Bala, Advocate
for the applicant (in TA-630-2025) and
for the respondent (in TA-1376-2025).

Mr. Hitesh Ghai and Ms. Chahat Gupta, Advocates
for the respondent (in TA-630-2025) and
for the applicant (in TA-1376-2025).

**ARCHANA PURI, J. (Oral)**

These are two rival applications filed by the wife, as well as the husband, for seeking transfer of the litigation, filed against each other, on account of matrimonial dispute.

TA-630-2025 has been filed by the applicant-wife for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/35/2025, titled '*Satnam Singh Vs. Sukhdeep Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Khanna, District Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Sunam, District Sangrur.

TA-1376-2025 has been filed by the applicant-husband for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/12/2025, titled '*Sukhdeep Kaur Vs. Satnam Singh*', filed by the respondent-wife, pending in the Family Court (Camp Court) Sunam, District Sangrur and he seeks transfer of the same to the Court of competent jurisdiction at Khanna, District Ludhiana.

In pursuance of the notice issued, husband made appearance through counsel in TA-630-2025 and filed reply. However, in TA-1376-2025, the wife though had made appearance through counsel, but however, her counsel has given a statement today that she does not want to file reply and the contents of TA-630-2025, be considered as reply in the said application.

Counsel for the parties heard.



For the convenience of discussion, reference to the parties is made, as making appearance in TA-630-2025.

At the very outset, counsel for the applicant/wife, has submitted that the marriage between the parties to the lis, had taken place on 10.12.2019. One daughter born from the said wedlock, who is about 4 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant, along with her minor daughter, is dependent upon her parental family, as she is not having any source of earning. Therefore, it is submitted that with the minor daughter, it is difficult for the applicant, to commute a distance of about 90 kms., to defend the petition under Section 9 of the Hindu Marriage Act. Further also, counsel submits that even the applicant had filed the divorce petition i.e. HMA/12/2025, titled '*Sukhdeep Kaur Vs. Satnam Singh*', which is pending in the Courts at Khanna, District Ludhiana. As such, a prayer is made for acceptance of TA-630-2025 and dismissal of TA-1376-2025.

On the other hand, counsel for the respondent/husband, while making reference to the reply and the documents annexed thereto, submits that the respondent is also facing constrained circumstances. He had earlier joined Indian Army, in the year 2011, but however, he had to leave the said job on account of medical ailment, as he is suffering from 'Epilepsy'. Further, it is submitted that on account of epilepsy, which is a 'chronic neurological disorder', the respondent was unable to pursue his job in the Indian Army. Rather, the respondent is having very frequent seizures, on account of which, he remains admitted in hospital, off and on. Counsel has



TA-630-2025 AND TA-1376-2025

made reference to the discharge summaries, which have been annexed with the reply as Annexures R-1 to R-22. In fact, counsel has submitted that with the passage of time, the frequency of seizures has increased many a times and the respondent is required to remain admitted in hospital, even twice a month.

Furthermore, counsel for the respondent has submitted that it was the second marriage of both the applicant, as well as the respondent. In fact, the respondent/husband is having one daughter, from his previous marriage and is taking care of her. As such, he makes a prayer for acceptance of TA-1376-2025 and dismissal of TA-630-2025.

In view of the submissions aforesaid, it is pertinent to mention that while considering the transfer application, relating to the matrimonial dispute, various circumstances coming forth, ought to be taken into consideration. There is no cast iron formula to be adopted in each transfer application. One distinctive circumstance may change the decision of the transfer application. In the case in hand, the most weighing and relevant factor to be considered is about the applicant taking care of the daughter, who is about 4 years old. On query by this Court, counsel for the applicant was unable to answer, as to whether the schooling of the daughter has started or not. In any case, considering the age of the daughter, who is about 4 years old, her schooling is bound to start very soon, even if not earlier started. This also has to be taken into consideration.

Even though, the respondent is having a daughter from his previous marriage, but however, definitely, she ought to be elder to the



TA-630-2025 AND TA-1376-2025

daughter born from the second marriage with the applicant. On query by this Court, counsel for the respondent was unable to state about the age of the daughter, born from his first marriage. Besides the same, from the medical record, it is evident that the respondent is suffering from 'Epilepsy' and he gets seizures quite often. May it be so. It is unfortunate that the applicant is having such a medical ailment, but however, this factor also has to be considered and the convenience/inconvenience of both the sides has to be balanced by the Court. The most weighing factor is about the minor daughter, born from the estranged marriage, to be in the care and custody of the applicant/mother, who has no source of earning.

In view of the aforesaid fact situation and weighing the convenience/inconvenience of both the parties, TA-1376-2025, filed by the respondent/husband, is dismissed and TA-630-2025, filed by the applicant/wife, is hereby allowed. As such, the petition under Section 9 of the Hindu Marriage Act i.e. HMA/35/2025, titled '*Satnam Singh Vs. Sukhdeep Kaur*', filed by the respondent/husband, stands transferred from the Family Court (Camp Court) Khanna, District Ludhiana, to the Court of competent jurisdiction at Sunam, District Sangrur. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Khanna, to District and Sessions Judge, Sangrur.

Learned District and Sessions Judge, Sangrur, shall preferably assign the said petition to the Court, where the petition under Section 13 of the Hindu Marriage Act, between the parties to the lis, is already pending.

Even, the parties are directed to appear before the Court concerned, within a



period of one month from today onwards. The Court concerned shall make an endeavour to adjourn both the cases, for one and the same date.

In any case, considering the medical ailment of the respondent, he always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same in the fitness of the circumstances and pass an appropriate order.

17.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No