



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

**206**

**TA-655-2025 (O&M)**

**Date of Decision: January 21, 2026**

Kanwalpreet Kaur

...Applicant

Versus

Gurdeep Singh

...Respondent

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.Simranjeet Singh, Advocate  
for the applicant.

Mr.Vishal Goel, Advocate  
for the respondent.

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**ARCHANA PURI, J.**

Applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-1191-2024, titled 'Gurdeep Singh vs. Kanwalpreet Kaur', pending in the Family Court, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Amritsar.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on



01.06.2011 and two sons were born from the said wedlock, who are in the age group of 12-13 years. Both the said children are in the care and custody of the applicant. Also, it is submitted that the applicant is not having any source of earning and she has filed petition under Section 12 of the Protection of Women from Domestic Violence Act, wherein, other family members of the respondent had made appearance, but the case is at the stage of securing presence of the respondent. Besides the same, another complaint was filed by the applicant to the Commissioner of Police, Amritsar, for registration of the FIR, but however, the same has since been consigned.

Further, it is submitted that though the divorce petition at Patiala has been filed by the respondent himself, but however, he is permanent citizen of New Zealand, which fact is also mentioned in the petition under Section 13 of the Hindu Marriage Act. The distance between the two places is stated to be 250 kms.

On the other hand, learned counsel for the respondent submits that the dispute arose between the parties, solely on account of conduct of the applicant. She was pressing upon the respondent to accompany him to New Zealand, which was not possible, on account of papers having not been prepared. Furthermore, it is submitted that the complaint has since been consigned by the police authorities.

While adjudicating on the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration. No straitjacket formula of universal application can be adopted, while considering such applications. Each case has to be adjudicated on the



TA-655-2025

-3-

backdrop of its factual position. In the case in hand, even though, the complaint for registration of the FIR, filed at the instance of the applicant, has since been consigned, but however, this ipso facto, does not give a ground to deny the benefit of transfer of the divorce petition, more particularly, while considering the fact of two sons, born from the said wedlock, to be taken care of by the applicant, who herself, is not having any source of earning. Even, the other petition under the DV Act, filed at the instance of the applicant is also pending in the Courts at Amritsar.

Considering the aforesaid circumstances and also the distance between the two places to be 250 kms, more particularly, when the respondent himself is residing at New Zealand, the transfer application, as such, is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-1191-2024, titled 'Gurdeep Singh vs. Kanwalpreet Kaur', stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Amritsar. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Amritsar.

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

**January 21, 2026**  
Vgulati

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**Yes/No**