



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

Sr. No.156

TA-717-2024

Date of Decision: 28.04.2026

ISHAN

....Applicant

Versus

LOVEDEEP SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. V.G. Jauhar, Advocate
for the applicant.

Mr. H.P.S. Ghuman, Advocate
for the respondents.

ARCHANA PURI, J. (Oral)

The applicant-Ishan (minor son of respondent No.1-Lovedeep Singh), through his mother-Jasvir Kaur, has filed the present application for seeking transfer of the civil suit i.e. CS/19/2023, titled '*Ishan Vs. Lovedeep Singh and another*', pending in the Family Court (Camp Court) Nabha, District Patiala and he seeks transfer of the same to the Court of competent jurisdiction at Sangrur.

In pursuance of notice issued, the respondents made appearance through counsel and filed reply. Even, rejoinder was filed.

Counsel for the parties heard.



At the very outset, it is submitted by the counsel for the applicant that the marriage of the mother of the applicant, was solemnized with respondent No.1-Lovedeep Singh, on 13.02.2011. From the said wedlock, the applicant was born on 05.09.2014 and he is presently about 11½ years old. On account of matrimonial dispute, his parents are residing separate. The applicant, along with his mother, is residing at the house of his grandfather-Rajinder Singh, in village Kheri, District Sangrur. The applicant, being a minor and student, has to face loss of studies and incur difficulties in pursuing the civil suit, which is pending at Nabha. The distance between the two places is stated to be about 45 kms.

Furthermore, counsel submits that the applicant, as well as his mother, had filed the petition under Section 125 Cr.P.C., against respondent No.1. The executions are also pending in the Courts at Sangrur. The respondent is pursuing the said cases. As such, a prayer has been made for transfer of the civil suit.

On the other hand, counsel for the respondents, while making reference to the reply, submits that the applicant has not come to the Court with clean hands. In fact, earlier also, the suit was filed in the Courts at Sangrur and vide order dated 22.09.2023, the Court had returned the plaint, with regard to the objection to territorial jurisdiction. Only thereafter, the civil suit in hand, has been filed. Also, it is submitted that the transfer of the civil suit, is not maintainable, as the property in question, exists within the jurisdiction of Nabha, District Patiala.

However, in the rejoinder, the applicant has stated about the detail of pending litigation between the parents of the applicant. As per the



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details so furnished, two criminal miscellaneous petitions are pending before this Court, two execution petitions are pending in the Courts at Sangrur and one criminal case, relating to the matrimonial dispute of other brother of respondent No.1, is also pending in the Courts at Sangrur.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that while considering the transfer application, various factors ought to be taken into consideration. There cannot be any cast iron formula, to be applied in all the cases, while adjudicating on the transfer applications. Each case has to be decided in its own factual background. One distinctive circumstance may alter the fate of the transfer application.

In the case in hand, the applicant is son of respondent No.1- Lovedeep Singh, who has a matrimonial dispute with his wife-Jasvir Kaur, through whom, the present application has been filed. It is pertinent to mention that other litigation, which is pending between the parents of the applicant, relates to the execution petitions only and no evidence is required to be recorded therein. In the given circumstances, it is also pertinent to notice that the distance between the two places is only 45 kms. Both Sangrur and Nabha have good road connectivity. Moreover, the civil suit is pending since the year 2023. In fact, the suit has been filed, as apparent, through his mother only. Furthermore, the suit, which is sought to be transferred, is of civil nature and as such, the presence of the mother of the applicant, is not required on each and every date of hearing. Also, the age of the applicant is not such, which calls for personal attention/care of the mother all the time. Otherwise also, the applicant along with his mother, is residing at his grand-parents' place. As such, in the absence of the mother of



the applicant, while coming to court, he can be taken care of by his grand-
parents.

In view of the aforesaid fact situation, there is no justifiable
ground made out, to accept the application.

Hence, the transfer application is hereby dismissed.

Anyhow, the applicant, as well as his mother, 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 and pass an
appropriate order, in the fitness of circumstances.

28.04.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No