



TA-701-2025 (O&M)

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

Sr. No.159

TA-701-2025 (O&M)

Date of Decision: 27.04.2026

MANPREET KAUR**....Applicant****Versus****GURSEWAK SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Imran Farooqi, Advocate
for the applicant.

Mr. Lajpat Rai Sharma, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/113/2025, titled '*Gursewak Singh Vs. Manpreet Kaur*', filed by the respondent-husband, pending in the Family Court, Ferozepur and she seeks transfer of the same to the Court of competent jurisdiction at Barnala.

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

Counsel for the parties heard.

At the very outset, counsel for the applicant submits that the marriage between the parties to the lis, had taken place in the year 2014. Two children were born from the said wedlock. Elder child is son, who is about 9 years old and he is in the care and custody of the applicant/wife.

The younger child is the daughter, who is aged 7 years and she is in the care



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and custody of the respondent/husband. Further, the counsel submits that apart from the petition under Section 9 of the Hindu Marriage Act, there is no other litigation pending between the parties, even though, the parties are residing separate, on account of the matrimonial dispute, since the year 2019. Also, the counsel submits that the applicant is not having any source of earning and she, together with her son, is totally dependent upon her parental family. The distance between the two places is stated to be 146 kms.

On the other hand, counsel for the respondent, while making reference to the reply, resists the claim for transfer. In fact, he submits that the daughter born from the broken marriage, is in the care and custody of the respondent and there is no other litigation, arising from this matrimonial dispute. As such, considering the factual position, the respondent shall also be facing similar inconvenience as that of applicant, if the case is transferred. Also, the distance between the two places is stated to be about 125 kms.

Considering the submissions aforesaid, at the very outset, it is pertinent to mention that while considering the transfer application, relating to the matrimonial dispute, generally the Courts lean towards convenience of the wife. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration and thereupon, the Court has to make an attempt to balance the convenience/inconvenience of both the sides.

Adverting to the case in hand, it should be noticed that though, there are two children born from the estranged marriage, but however, each



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spouse is having the custody of one child. Though, doing singular parenting must be causing inconvenience to both the applicant, as well as the respondent, but however, besides the same, it has also to be taken into consideration that the applicant is not having any source of earning and as such, is dependent upon her parental family. Considering the same and also taking into consideration the distance between the two places, more inconvenience is definitely bound to be caused to the wife.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/113/2025, titled '*Gursewak Singh Vs. Manpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Ferozepur, to the Court of competent jurisdiction at Barnala. The requisite record of the aforesaid case be sent by the Family Court, Ferozepur, to the District and Sessions Judge, Barnala.

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

Pending civil miscellaneous application also stands disposed of.

27.04.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No