



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

Sr. No.216

TA-725-2025

Date of Decision: 09.02.2026

SANDEEP KAUR

....Applicant

Versus

KULWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Mr. Lupil Gupta, 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. HMA/96/2023, titled '*Kulwinder Singh v/s Sandeep Kaur*', filed by the respondent-husband, pending in the Family Court, Mansa and she seeks transfer of the same to the Court of competent jurisdiction at Barnala.

Upon notice issued, the respondent made appearance through counsel and filed 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 is the second marriage of both the applicant as well as respondent. The applicant has one daughter from her previous marriage, who is in her care and custody. Likewise also,



another daughter was born from the subsisting marriage, who is about 6 years old at present, is also in the care and custody of the applicant. The applicant is not having any source of earning. She has filed petition under Section 125 Cr.P.C., which is pending in the courts at Barnala. The distance is stated to be about 50 kms.

On the other hand, counsel for the respondent, while making reference to the reply submits that even though, the daughter born from the subsisting marriage is in the care and custody of the applicant, but however, the distance is much less than 50 kms, as projected. It is submitted that the distance is only about 43 kms. Considering the same, he submits that it is not that inconvenient for the applicant to pursue the litigation, even, if it remains pending in the courts at Mansa.

In view of the submissions made aforesaid, it is pertinent to mention that while adjudicating on an application for transfer of the matrimonial dispute, various factors, ought to be taken into consideration. The weighing factor, relevant for the present application is about the applicant taking care of two minor daughters, who are school going, while herself having no source of earning.

In the given circumstances, even though, the distance is stated to be 43 kms, but however, the prime interest of the children, ought to be taken into consideration, more particularly, another litigation, arising from the matrimonial dispute i.e. petition under Section 13 of Hindu Marriage Act, to be already pending in the courts at Barnala, which is being pursued by the respondent. It is just and expedient to accept the transfer application.

Hence, the same is hereby allowed and the petition under Section 9 of the



Hindu Marriage Act i.e. HMA/96/2023, titled '*Kulwinder Singh v/s Sandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Mansa, to the Court of competent jurisdiction at Barnala. The requisite record of the aforesaid case be sent by the Family Court, Mansa, 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.

09.02.2026
Sonu Saini

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes/No