



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

Sr. No.115

**TA-730-2025 (O&M)
Date of Decision: 19.01.2026**

JAGDEEP KAUR

....Applicant

Versus

NIRMAL SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Sukriti Gupta, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 21.11.2025.

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/13282/2024, titled '*Nirmal Singh Vs. Jagdeep Kaur*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Mansa.

Upon notice issued, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.

Counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 19.11.2017. One daughter was born from the said wedlock, who is about 5½



TA-730-2025 (O&M)

years old. Further, it is submitted that the said child has been forcibly retained by the respondent. Also, it is submitted that the applicant is not having any source of earning and is dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 i.e. MNT-125/13/2025, which is pending in the Courts at Mansa. Earlier, the respondent was proceeded against *ex parte*, in the said case, but now, he is making appearance. Also, the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/2/2025, filed by the applicant, is pending in the Courts at Mansa and the respondent is pursuing the said case as well. The distance between the two places is stated to be 126 kms.

In view of the submissions aforesaid, it is pertinent to mention that, while adjudicating on the transfer application relating to the matrimonial dispute, various factors are to be taken into consideration. Primarily, the factor of the children born from the wedlock of the parties and which parent is having the custody of the same, is given weightage. In the case in hand, there is one daughter, born from this estranged marriage, who is about 5½ years old and she is in the care and custody of the respondent. However, the applicant has asserted about the child to be forcibly retained by the respondent-husband. Even, the respondent has not come forward to resist the transfer application. Moreover, he is already making appearance in two other litigations, arising from this matrimonial dispute, in the Courts at Mansa.

In view of the aforesaid fact situation and also considering the distance between the two places, the transfer application is allowed and the



petition under Section 9 of the Hindu Marriage Act i.e. HMA/13282/2024, titled ‘*Nirmal Singh Vs. Jagdeep Kaur*’, filed by the respondent-husband, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Mansa. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Mansa.

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

Pending civil miscellaneous application also stands disposed of.

19.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No