



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

Sr. No.110

TA-781-2025

Date of Decision: 02.04.2026

GURPREET KAUR

....Applicant

Versus

VARINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Gaurav Singla, Advocate
for the applicant.

Mr. H.S. Sandhu, 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/89/2025, titled '*Varinder Singh Vs. Gurpreet Kaur*', filed by the respondent-husband, pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Faridabad.

In pursuance of 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 to the lis, had taken place on 14.01.2013. One daughter born from the said wedlock, who is about 11½ years old, at present, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and as such, is dependent upon her brother, as her father has since died. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Faridabad and the respondent is making appearance in the same. The distance between the two places is stated to be 450 kms.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant has not come to the Court with clean hands. In fact, it was on account of wrongful conduct of the applicant, that dispute had arisen between the parties. Also, counsel submits that the respondent is interested for revival of the marriage and only on this account, he has filed the petition under Section 9 of the Hindu Marriage Act. As such, he has made a request for reference of the matter to the Mediation Centre.

In view of the submissions aforesaid, more particularly, the submissions made by the counsel for the respondent, it is pertinent to mention that already an effort had been made for amicable settlement between the parties. The matter was in fact referred to the Mediation and Conciliation Centre of this Court and report of the Mediator has been



received, wherein it is stated that the matter remained unsettled. In the light of the same, no effort can be made by this Court for amicable settlement between the parties.

So far as, the plea qua conduct of the applicant is concerned, the same can be appraised by the Court concerned only, where the petition under Section 9 of the Hindu Marriage Act, is pending. For the adjudication of the present application, the most weighing and relevant factor is about the girl child, born from the broken marriage, who is about 11½ years old, to be in the care and custody of the applicant. Looking at the age of the child, she requires the assistance of her mother, at all the times. She is bound to be a student. Even, the applicant is not having any source of earning. As such, the applicant is bound to be facing various challenges in upbringing her daughter, more particularly, when she herself is dependent upon her brother, as her father is no more.

In view of the aforesaid fact situation, more particularly, taking into consideration the maintenance petition already pending in the Courts at Faridabad, which is being pursued by the respondent 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/89/2025, titled '*Varinder Singh Vs. Gurpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Faridabad. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, Faridabad.



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

02.04.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No