



TA-1047-2024

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

Sr. No.108+219

TA-1047-2024

Date of Decision: 11.02.2026

SABARJEET KAUR

....Applicant

Versus

PARVINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Shivam Sharma, Advocate for
Mr. Johan Kumar, Advocate
for the applicant.

Mr. Inderjeet Singh, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-2648-CII-2026

The present application has been filed at the behest of applicant,
for placing on record the affidavit dated 30.01.2026, wherein she had stated
about herself, not having any source of earning and that she is a housewife.

Keeping in view the averments made in the application, the
same is allowed and the requisite document is taken on record.

Main case

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/44/2024, titled '*Parvinder Singh Vs. Sabarjeet Kaur*, filed by the

**TA-1047-2024**

respondent-husband, pending in the Family Court, Yamuna Nagar at Jagadhri and she seeks transfer of the same to the Court of competent jurisdiction at Palwal.

At this stage, counsel for the respondent submits that he does not want to file reply, though he contests the application.

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties, had taken place on 10.02.2019 and no child was born from the said wedlock. However, on account of matrimonial dispute, the parties are residing separate. The applicant is a housewife and not having any source of earning. She has also filed petition under Section 125 of Cr.P.C., which is pending in the Courts at Palwal and the respondent is making appearance in the same. Besides the same, she has also filed petition under the Protection of Women from Domestic Violence Act, pending in the Courts at Palwal and the same is still at appearance stage. The distance between the two places is stated to be 295 kilometres.

On the other hand, counsel for the respondent submits that both the applicant and the respondent are qualified persons and therefore, the applicant can conveniently pursue the litigation, which is pending in the Courts at Yamuna Nagar.

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, such like educational qualification of the spouses; their sources of earning; if



TA-1047-2024

there is any child born from the estranged marriage, which spouse is having custody of the said child; capacity of the parent to raise the child; distance between the two places; convenience of the witnesses, so on and so forth. One distinctive circumstance can change the fate of the transfer application. In the case in hand, as stated in the affidavit brought on record today, the applicant is not having any source of earning. She has already filed petition under Section 125 of Cr.P.C. and the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Palwal and the respondent is making appearance in the maintenance petition, whereas the other petition is at appearance stage.

Even though, it is stated that both the sides are well-qualified but nothing, as such, has been brought on record, to so substantiate this plea. Even if, it is so, then also, keeping in view the two other litigation, arising from the estranged marriage, to be already pending in the Courts at Palwal and also considering the distance between the two places, it is just and expedient to accept the application. Hence, the said application is hereby allowed and the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/44/2024, titled '*Parvinder Singh Vs. Sabarjeet Kaur*', filed by the respondent-husband, pending in the Family Court, Yamuna Nagar at Jagadhri and she seeks transfer of the same to the Court of competent jurisdiction at Palwal. The requisite record of the aforesaid case be sent by the Family Court, Yamuna Nagar at Jagadhri, to the District and Sessions Judge, Palwal.



TA-1047-2024

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

11.02.2026
Preeti S.

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No