



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

Sr. No.106

TA-1206-2024

Date of Decision: 19.01.2026

SUKHDEEP KAUR JOHAL

....Applicant

Versus

JAGROOP SINGH JOHAL AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sardavinder Goyal, Advocate
for the applicant
(through video conferencing).

Mr. Shaurya Khanna, Advocate
for respondent No.1.

Mr. Bahul Bunger, Advocate
for respondent No.2.

ARCHANA PURI, J. (Oral)

The applicant-Sukhdeep Kaur Johal, has filed the present application for seeking transfer of the civil suit i.e. CS/221/2023, titled '*Sukhdev Singh Vs. Jagroop Singh and another*', filed by respondent No.2 (father-in-law of the applicant), pending in the Courts at Nakodar, District Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.



Upon notice issued, respondents made appearance through respective counsel. However, counsel for respondent No.1, on 31.10.2025, had made a statement that he does not want to file reply, as respondent No.1 is not interested in pursuing the present application. As such, respondent No.1 is not contesting the application. However, respondent No.2 had filed reply to resist the claim for transfer of the civil suit.

Counsel for the applicant and respondent No.2, heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage of the applicant had taken place with respondent No.1-Jagroop Singh Johal, on 19.09.2018. One son born from the said wedlock, who is about 5 years old, is in the care and custody of the applicant. However, matrimonial dispute arose between the applicant and respondent No.1, as a result whereof, they are entangled in various rounds of litigation. The applicant has filed the petition under Section 125 Cr.P.C., as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Ludhiana and Payal, respectively.

It is submitted by the counsel for the applicant that during the pendency of the aforesaid litigation, compromise was effected between the applicant, respondent No.1, as well as respondent No.2 and it was agreed about resolving the matrimonial dispute of the applicant with respondent No.1. However, despite the said compromise, respondent No.2, who is father-in-law of the applicant, was not inclined to withdraw the suit for recovery of Rs.29,87,500/-, filed at his instance. Considering the same, it is submitted that there is collusion between both respondents No.1 and 2 i.e.



son and father. The applicant is not having any source of earning and also, she is having the minor child to look after. Therefore, it is difficult for her to commute a distance of about 80 kms., to defend the civil suit.

On the other hand, counsel for respondent No.2, while making reference to the reply, submits that the applicant has not come to the Court with clean hands. It is submitted that there is no compromise reached between the applicant and respondent No.2. In fact, it was the amount taken by the applicant and respondent No.1, with the sole purpose to go abroad and they did not go abroad and even, they have not returned the amount. Moreover, it is submitted that respondent No.2 is suffering from locomotor disability, to the extent of 50%. In this regard, reference is made by the counsel for respondent No.2 to Unique Disability identity card, issued by Government of India, copy whereof is Annexure R-1. As such, it is submitted that in view of this disability, it shall be difficult for respondent No.2, to pursue the litigation, if so transferred to Ludhiana.

In view of the submissions aforesaid, on query by this Court, it is submitted by the counsel for the applicant that written compromise was effected, but however, the same has not been brought on record. In fact, it is submitted that the petition under Section 13-B of the Hindu Marriage Act, has been filed, on the basis of this compromise only. May it be so. Since the written compromise has not been placed on record, it cannot be ascertained as to whether respondent No.2-Sukhdev Singh was also party, to the compromise reached between the applicant and respondent No.1. Considering the same, since copy of the compromise has not come on record, nothing can be concluded about respondent No.2 having made any



such undertaking to withdraw the civil suit, filed by him. Be it so. The fact remains that the suit for recovery is a civil case, wherein the presence of the parties is not required, on each and every date of hearing.

Even though, the applicant is having the custody of the son, aged about 5 years old, but however, this fact has to be appraised, in the backdrop of other material coming on record. In the case in hand, respondent No.2, definitely on the ground of his age, has an edge, as compared to the applicant, who is younger in age. Even, respondent No.2 is suffering from locomotor disability, to the extent of 50%, which is permanent in nature and for this purpose, Unique Disability identity card has been issued by Government of India, copy whereof is Annexure R-1.

In view of the aforesaid fact situation, more particularly, considering the civil nature of the litigation, pending between the parties, which do not call for presence of the parties, on each and every date of hearing, this Court does not deem it just and expedient to accept the application.

Hence, the transfer application is hereby dismissed.

19.01.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No