



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
144

TA-1058-2025(O&M)
Date of decision: 18.05.2026

Jasmine Kaur

...Petitioner(s)

Vs.

Hirdaypal Singh

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ankit Kharbanda, Advocate for
Mr. Anirudh Gupta, Advocate
for the petitioner.

NIDHI GUPTA, J.

CM-8815-CII-2026

This is an application under Section 151 CPC for placing on record Counter Affidavit of respondent in context of Annexure P2.

After going through the contents of the application, which is supported by affidavit of the applicant/respondent, the same is allowed subject to all just exceptions and Counter Affidavit of the respondent is taken on record.

**MAIN CASE**

Prayer in this petition filed by petitioner-wife is for transfer of the petition filed by the respondent-husband under Section 13 of Hindu Marriage Act, 1955 seeking divorce titled as “Hirdaypal Singh Vs. Jasmine Kaur @ Neeru” bearing case No.DMC/37/2024 (Annexure P1) pending before the Principal Judge, Family Court, Sri Anandpur Sahib to the competent Court at Amritsar.

2. It is inter alia submitted by learned counsel for the petitioner that the above-mentioned petition filed by the respondent under Section 13 of the Hindu Marriage Act deserves to be transferred from Sri Anandpur Sahib to Amritsar on account of following reasons that: -

- i) the petitioner was married to the respondent on 27.11.2017;
- ii) due to matrimonial discord, the parties are living separately since 29.11.2020;
- iii) no child is born out of this wedlock;
- iv) the petitioner is residing with her brother at parental home in Amritsar;
- v) the petitioner is doing Ph.D. at Patiala;
- vi) financial and physical hardship is faced by the petitioner;
- vii) it is difficult for the petitioner to travel as one side distance between Anandpur Sahib and Amritsar is about 185 km;
- viii) even otherwise, the respondent is working at Panchkula and not at Sri Anandpur Sahib.



3. It is accordingly prayed that the present petition be allowed and the case filed by the respondent under Section 13 of the Hindu Marriage Act be transferred from Family Court Sri Anandpur Sahib to competent Family Court at Amritsar.

4. Per contra, learned counsel for the respondent-husband vehemently opposes the submissions of the petitioner and submits that the petitioner has concealed material facts from the Court. It is contended that in actual fact, petitioner is living and pursuing Ph.D. in Patiala. It is submitted that transfer of case to Amritsar would be understandable, if the petitioner was residing and working there. However, in her Memo of Parties and Affidavit, the petitioner has not mentioned any address at Amritsar. Moreover, the petitioner is doing Ph.D. in Genetics and the same cannot be done without going to the lab. Therefore, assertion of the petitioner that she is residing in Amritsar and pursuing Ph.D. in Patiala, is incorrect. Present petition has been filed only to harass the respondent. It is further denied that the respondent is working in Panchkula. It is submitted that the marriage between the parties had taken place in Anandpur Sahib. The respondent had previously filed a petition under Section 9 of the Hindu Marriage Act at Anandpur Sahib only, which had been withdrawn by the respondent in May 2024 due to the attitude of the petitioner. Thus, the present Transfer Application be dismissed.



5. I have heard learned counsel for the parties. I find merit in the submissions advanced on behalf of the respondent.

6. It is the contention of the petitioner that she is presently residing in Amritsar and is pursuing her Ph.D. in Human Genetics at Punjabi University, Patiala. In the Memo of Parties of the present Transfer Application the petitioner has shown herself to be residing at: *“Village & P.O Ganguwal, Tehsil Sri Anandpur Sahib, District Rupnagar **currently residing** at G.T. Road, Guru Nank Wara, Amritsar, Punjab – 143001”*.

In Para 4(C) of the present Transfer Application, petitioner has herself stated as follows: -

“C. That the Petitioner is currently pursuing PHD in Human Genetics at Punjabi University, Patiala and is preparing for her thesis. Thus, it is not possible for Petitioner to pursue litigation at Sri Anandpur Sahib. Moreover, the Petitioner has to visit Department of Human Genetics, Punjabi University, Patiala from time to time in regard to her PHD.”

7. Firstly, it is not clear as to how the petitioner can pursue Ph.D. in Patiala while residing in Amritsar. Petitioner is not able to dispute that for PhD in Genetics, constant laboratory work is required; which cannot be done while residing at Amritsar. Even otherwise, the abovesaid address of Amritsar given by the petitioner, is vague and incomplete as it does not even mention the house number. It would therefore appear that in actual fact, the petitioner is not residing at Amritsar.



8. The above conclusion is further fortified from the details of the residence of the petitioner given by the respondent in Para 1.2 of his reply dated 06.11.2025 filed to present Transfer Application, that:

“1.2. That Petitioner has been studying at Punjabi University, Patiala, where she is staying in the Room No. 75 of Working Women Hostel, Block B, First Floor, Punjabi University Patiala. This becomes clear from the averment taken by Petitioner in her Reply filed to PetitionU/s.9 of HMA, which is being reproduced as under:

“On 5.1.2019, the respondent was ousted by the petitioner and his family members and father of the petitioner left the respondent at the house of her Bhua at Shri Anandpur Sahib and thereafter the respondent went to Patiala for her study.””

9. No rejoinder thereof has been filed by the petitioner thereby admitting the above-said averments of the respondent.

10. Furthermore, in the S.13 HMA petition filed by the respondent against the petitioner, address of the petitioner is given as follows:

“Jasmine Kaur @ Neeru wife of Sh. Hirdaypal Singh Son of Sh. Bhupinder Singh Resident of Village & P.O. Ganguwal, Tehsil Sri Anandpur Sahib, Distt. Rupnagar now C/o Dr. P.S. Kang, SGTB Multi-specialty Hospital, Near Civil Hospital, Sri Anandpur Sahib, P.S. & Tehsil Sri Anandpur Sahib, Distt. Rupnagar.

2nd address: Jasmine Kaur @ Neeru wife of Sh. Hirdaypal Singh, PHD Scholar C/o Dr. Rajinder Kaur, Human Genetics Department, Punjabi University Patiala, Distt. Patiala.”



11. Furthermore, respondent had previously filed a petition under Section 9 of the Hindu Marriage Act; in which petitioner had submitted her affidavit (Annexure R3); in which she has herself shown her verification and address as follows: -

“Verification:

Verified at Rupnagar on 27.2.2023, that the contents of the para No.1 and 2 of the P.O. and paras No.1 to 22 On Merits of the written reply are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Submitted by:

Jasmine Kaur wife of Sh. Hirdaypal Singh son of Bhupinder Singh R/o village and P.O. Ganguwal, Tehsil Sri Anandpur Sahib, Distt. Rupnagar now C/o Dr. P.J.S. Kang, SGTB Multispeciality Hospital near Civil Hospital, Sri Anandpur Sahib, Distt. Rupnagar.”

12. Further, it is not disputed that the father of the petitioner has expired, therefore, petitioner has resided with her paternal aunt/Bua at Shri Anandpur Sahib; that petitioner has attended school at Anandpur Sahib; that petitioner has a bank account along with her Bua at a bank in Sri Anandpur Sahib; that marriage of the parties was conducted at Shri Anandpur Sahib; and therefore, cause of action arose at Shri Anandpur Sahib. From a conjoined reading of all the above facts, it is clear that the petitioner is not residing at Amritsar. Therefore, petitioner has concealed



material facts from this Court. Moreover, it would appear that transfer of the petition under Section 13 HMA is being sought, apparently only with a view to harass the respondent. In this situation, reference may be made to judgment of this Court in **Swati Pathania v. Ritesh Pangasa, (Punjab And Haryana) : Law Finder Doc ID # 2126995**, wherein it is held that:-

“Transfer application seeking transfer of matrimonial case dismissed due to concealment of material facts and misstatements made by the petitioner-wife.

Hindu Marriage Act, 1955 Section 13 Transfer application - Petitioner-wife seeking transfer of matrimonial case filed by respondent-husband - Earlier transfer application dismissed on merits due to concealment of material facts - Review application also dismissed as withdrawn - Present transfer application dismissed as petitioner found to be habitual in making misstatements and misleading the Court.”

13. Same view has been taken by this Court in **Sheveta @ Sheveta Sehgal v. Anuj Puri, (Punjab And Haryana) : Law Finder Doc ID # 2726492; Swati Pathania v. Ritesh Pangasa, (Punjab And Haryana) : Law Finder Doc ID # 2027329; and Richa Nagpal v. Tarun Nagpal, (Punjab And Haryana) : Law Finder Doc ID # 2291311.**

14. This Court is also well aware that the preponderance of law in cases of transfer emanating from matrimonial disputes is in favour of the wife. However, in certain cases similar to the present one, the Hon’ble Supreme Court, as well as this Court have refused relief to the wife. One



such case is: **(2006) 9 SCC 197 'Anindita Das Vs. Srijit Das'** wherein Hon'ble Supreme Court under similar circumstances dismissed the wife's application seeking transfer of petition filed by the husband. Reference may also be made to two cases of this Court where, in similar circumstances this Court had dismissed transfer applications filed on behalf of the wife. These are: **TA No. 126 of 2018 'Smt. Akhwinder Kaur Vs. Sh. Gurpreet Singh'**; and **TA No. 299 of 2019 'Nisha alias Manisha vs. Amarveer Yadav'**.

15. Accordingly, in view of the facts and circumstances of the present case as noted above, as also the precedents of Case law as noted above, finding no merit in this petition, the same is hereby **dismissed**.

16. Pending applications, if any, also stand dismissed.

18.05.2026
Sunena

(Nidhi Gupta)
Judge

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