



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

114

TA-1088-2025 (O&M)

Date of Decision: March 24, 2026

Gurleen Kaur alias Rajwinder Kaur

...Applicant

Versus

Deepinderjit Singh @ Dapinderjit Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.D.P.S.Bajwa, Advocate
for the applicant.

Ms.Anjali Choudhary, Advocate for
Mr.Gurinder Singh Dhot, Advocate
for the respondent.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-198-2024, titled 'Dapinderjit Singh vs. Gurleen Kaur @ Rajwinder Kaur', pending in the Family Court, Samana, Patiala and she seeks transfer of the same to the Court of competent jurisdiction at Malout, District Sri Muktsar Sahib.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.



At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place in November, 2011 and two daughters were born from the said wedlock. Elder daughter was born on 30.10.2012 and younger daughter was born on 02.11.2025. Both the daughters are in the care and custody of the respondent. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. Other two litigation i.e. petition under Section 12 of the Protection of Women from Domestic Violence Act as well as petition under Section 125 Cr.P.C., filed at the instance of the applicant, are already pending in the Courts at Malout and the respondent is making appearance in both the aforesaid cases. The distance between the two places is stated to be about 200 kms.

On the other hand, learned counsel for the respondent, while making reference to the reply submits that the applicant is not required to make appearance on each and every date of hearing. Rather, the respondent is also taking care of two minor daughters and therefore, more onerous duty is cast upon him for upbringing of the daughters. Further, it is submitted that it will also be difficult for him to commute a distance of 200 kms., to pursue the petition under Section 9 of the Hindu Marriage Act.

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 ought to be taken into consideration and one distinctive circumstance, may change the fate of the case. In the case in hand, the most weighing and relevant circumstance is about the two daughters, who are in the age group of 10-13 years, to be in the care and



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custody of the respondent. Simultaneously, it ought to be taken into consideration that the applicant is not having any source of earning. On query by the Court, counsel for the respondent was unable to state, as to whether any maintenance, at any stage, has been paid by the respondent to the applicant or not. This is also material fact, which ought to be taken into consideration, while balancing the convenience/inconvenience of the parties. The distance between the two places is stated to be about 200 kms.

Considering the same, also another factor, which becomes relevant is about two other litigation, arising from this estranged marriage, to be already pending in the Courts at Malout and the respondent pursuing the same. Though, minor daughters are in the custody of the respondent, but however, they are not of such an age, which calls for personal attention of either parent, all the time. This is also essential to be noticed, as on query, counsel for the respondent has disclosed that the parents of the respondent are also living with the respondent.

Considering the aforesaid circumstances, more particularly, when the applicant herself is not having any source of earning, it is just and expedient to accept the application. As such, the transfer application, is hereby allowed and the petition under Section 9 of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-198-2024, titled 'Dapinderjit Singh vs. Gurleen Kaur @ Rajwinder Kaur', stands transferred from the Family Court, Samana, District Patiala, to the Court of competent jurisdiction at Malout, District Sri Muktsar Sahib. The requisite record of the aforesaid case be sent by the Family Court, Samana, District Patiala, to the District and Sessions Judge, Sri Muktsar Sahib.



Learned District and Sessions Judge, Sri Muktsar Sahib shall assign the said petition to the Family (Camp) Court, Malout. Even, the parties are directed to appear before the Family (Camp) Court, Malout, within a period of one month from today onwards.

However, considering the fact of two daughters to be in the care and custody of the respondent, he always has an option to file an application to make appearance through virtual mode, as and when his presence is required by the Court concerned and if any such application is filed, the Court concerned, shall consider the same, in the fitness of circumstances and pass an appropriate order.

March 24, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No