



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

143(2)

Date of decision: 18.05.2026

TA-1175-2025 (O&M)

Narinder Kaur

...Petitioner(s)

Vs.

Amrik Singh

...Respondent(s)

TA-813-2025 (O&M)

Amrik Singh

...Petitioner(s)

Vs.

Narinder Kaur

...Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Kamaldeep Kaur, Legal Aid Counsel
for the petitioner-wife in TA-1175-2025.

Mr. Ravi Gakhar, Advocate
for the petitioner-husband in TA-813-2025.

NIDHI GUPTA, J.

TA-1175-2025

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 titled as “Amrik Singh Vs. Narinder Kaur” bearing case No.DMC-12/2021 dated 14.01.2021; **and** for transfer of the petition filed



by the respondent under Section 25 of the Guardian and Wards Act, 1890 titled as “Amrik Singh Vs. Narinder Kaur” bearing case No.GW-50-2021 dated 15.01.2021; both pending before the Principal Judge, Family Court, Fatehgarh Sahib to a Court of competent jurisdiction at Patiala.

TA-813-2025

Prayer in this petition filed by husband is for transfer of Case DMC/1128/2024 titled as “Narinder Kaur Vs. Amrik Singh” dated Nil, filed by the wife under Section 9, HMA pending before learned Principal Judge Family Court Patiala to a competent Family Court at Fatehgarh Sahib.

Both the above Transfer Applications are being disposed of by this common order as both are cross-applications, between the same parties, and facts and issues involved in both petitions are identical. For the sake of facility, the facts are being drawn from, and parties are being referred to as per their status in TA-1175-2025 filed by the wife.

2. It is inter alia submitted by learned counsel for the petitioner-wife that the petitions filed by the respondent under Section 13 of Hindu Marriage Act, 1995 and under Section 25 of the Guardian and Wards Act, 1890 deserve to be transferred from Fatehgarh Sahib to Patiala on account of following reasons that:-

- i) the petitioner was married to the respondent on 24.03.2013;
- ii) one daughter was born out of this wedlock, who is currently in the care and custody of the petitioner-wife;
- iii) due to matrimonial discord, the parties started living separately from 23.04.2018;



- iv) it is difficult for the wife to travel along with the minor daughter on frequent dates to Fatehgarh Sahib as one side distance between Fatehgarh Sahib and Patiala is about 39 kms;
- v) the petitioner is residing with her old parents;
- vi) one case i.e. petition under Section 9 of the Hindu Marriage Act filed by the wife dated 21.10.2024 is pending in Patiala;
- vii) the petitioner is working on outsource basis. Therefore, it is difficult for her to take station leave;
- viii) the petitioner also perceives danger to her life from the respondent.

3. It is accordingly prayed that the present petition be allowed and the cases filed by the respondent under Section 13 of Hindu Marriage Act, 1995 and under Section 25 of the Guardian and Wards Act, 1890 be transferred from Fatehgarh Sahib to Patiala.

4. Per contra, learned counsel for the respondent-husband opposes the submissions of the petitioner by submitting that the petitioner-wife is already putting in appearance in the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act. The respondent is looking after his old-aged parents. The petitioner has no such responsibility. It is further submitted that the petitioner has filed Section 9 HMA Petition at Patiala only after the respondent had filed the Section 13 petition. Moreover, the husband is retired from Army and is financially dependent upon his fixed pension. He is unable to travel 39 kms between Patiala and Fatehgarh Sahib. Therefore, genuine hardships of the



respondent ought to be seen. It is accordingly prayed that the TA-1175-2025 filed by the wife be dismissed; and TA-813-2025 filed by the husband be allowed.

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

6. Admittedly, the minor child is residing with the petitioner at Patiala. It is undisputed that the petitioner is single-handedly taking care of the minor child born out of the wedlock of the parties. Therefore, the petitioner wife has to not only provide for the material needs of the minor child but also has to ensure the physical and welfare of the child. Understandably, it is difficult for the petitioner to travel with a minor child. It is also not disputed that the petitioner is also working to earn her livelihood and provide for the minor child. Thus, she has several responsibilities. Nothing has been shown to this Court that respondent husband is providing any maintenance to the petitioner or their child.

7. Moreover, under Section 9 of the Guardian and Wards Act, it is stipulated that custody petition has to be filed at the place where the minor child is ordinarily residing. In the present case, admittedly, the minor child is residing with the petitioner at Patiala. Thus, petition bearing No.GW-50/2021 filed by the husband under Section 25 of the G & W Act at Fatehgarh Sahib, is not maintainable there and has to be filed at Patiala.

8. Besides the facts as noticed herein above in para 2, which constitute sufficient grounds for transfer, the legal position in such like cases is



also well established; inasmuch as, convenience of the wife is to be given greater weightage. In this regard, judgment of the Hon'ble Supreme Court rendered in **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha," 2022 Live Law (SC) 627**, is notable, wherein the Hon'ble Supreme Court has held as under:-

"9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions."

9. Further reliance can be placed upon the judgments in **Sumita Singh vs Kumar Sanjay, 2002 SC 396** and **Rajani Kishor Pardeshivs vs. Kishor Babulal Pardeshi, 2005(12) SCC 237**, wherein the Hon'ble Supreme Court



has observed that *“while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.”*

10. Even this Court in number of cases has followed the aforesaid principle of law. Accordingly, it is well settled that while considering the transfer of a matrimonial dispute/case, at the instance of the wife, the Court is to consider the family condition of the wife, the custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important the convenience of the wife i.e. she cannot travel alone without assistance of a male member of her family, connectivity of the place to and fro from her place of residence as well as bearing of the litigation charges and travelling expenses.

11. In view of the judgments i.e. **Sumita Singh’s** case (supra), **Rajani Kishor Pardeshi’s** case (supra) and **N.C.V. Aishwarya’s** case (supra) passed by the Hon’ble Supreme Court, this Court deems it appropriate to allow the present petition, subject to the following conditions:-

- a) The petition filed by respondent husband under Section 13 of the Hindu Marriage Act; and Section 25 of the Guardian and Wards Act pending in the Family Court Fatehgarh Sahib is transferred to a Court of competent jurisdiction at Patiala, Punjab.



- b) The learned District Judge, Fatehgarh Sahib is directed to transfer complete record pertaining to the aforesaid cases to District Judge, Patiala, Punjab.
 - c) The parties are directed to appear before the District Judge, Sangrur, Punjab on 02.07.2026.
 - d) The District Judge, Patiala, Punjab will assign the said petition to the Court of competent jurisdiction.
12. The concerned Court at Patiala will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.
13. The Court concerned, where the litigation is pending between the parties, will accommodate them with one date in one calendar month.
14. I am supported by the decisions rendered by a Co-ordinate Bench of this Court in **TA No. 1315/2022, Rohini Arora v Nitin Talwar; TA No. 1322 of 2022, Jaswinder Kaur v Gurvinderjeet Singh; and TA No. 1323 of 2022, Usha Rani v Karmajit Singh.**
15. In view of the above, TA-1175-2025 filed by the wife is **allowed;** and TA-813-2025 filed by the husband is **dismissed.**
16. Pending application(s) if any also stand(s) disposed of.

18.05.2026
Sunena

(NIDHI GUPTA)
JUDGE

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