



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

113

TA-1178-2025 (O&M)

Date of Decision: February 09, 2026

Dr.Ranbir Singh

...Applicant

Versus

Dr.Rimaljeet Kaur

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Aditya Dassaur, Advocates
for the applicant.

Mrs.Savita Bhandari, Advocate
for the respondent.

ARCHANA PURI, J.

The applicant-husband has filed the present application for seeking transfer of the divorce petition under Section 13 of the Hindu Marriage Act, bearing No.HMA-38-2025, filed by the respondent-wife, titled 'Rimaljeet Kaur vs. Ranbir Singh', pending before the Family Court, Panchkula and he seeks transfer of the same to the Court of competent jurisdiction, either at Jalandhar or Ludhiana or any other common place, in the interest of justice.

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

During the pendency of the transfer application, CM-22707-

**TA-1178-2025****-2-**

CII-2025 was filed, at the instance of the respondent to place on record Annexure R-11 i.e. true translated copy of GPA dated 08.02.2022 and therein, also sought dismissal of the petition for want of authority.

Reply to the said application was filed.

Counsel for the parties heard, on the aforesaid application as well as transfer application.

At the very outset, it is pertinent to mention that both the applicant as well as the respondent are residing abroad. The applicant-husband has filed the transfer application through his attorney Narinder Singh s/o Boorh Singh. Along with the application, the copy of the power attorney was also filed. However, after making appearance and after filing the reply to the transfer application, the respondent-wife also filed the aforesaid application for placing on record the true translated copy of the GPA as well as seeking dismissal of the petition, for want of authority.

In this context, it is submitted that Narinder Singh never had an authority to file the transfer application. In fact, while making reference to the recitals of the power of attorney, so relied upon by the applicant, it has been submitted that the power of attorney was executed on 08.02.2022 and therein, only an authority was given to take care of the immoveable properties and also about the income tax department matter, which was pending. It is further submitted that on the basis of the GPA aforesaid, the attorney holder Narinder Singh, as such, was not expressly authorised or had the authority to institute the transfer application, on behalf of Dr. Ranbir Singh and precisely, on this account, it is submitted that the application, a such, has been filed, without any authority and the same be dismissed.



In this regard, counsel for the respondent has placed reliance upon *Chet Ram Gupta vs. Motian Devi Lamba, 2008(28) RCR (Civil) 209, Nelian International Co. Ltd. vs. Powerica, TA(Civil)-32-2020, decided on 06.07.2022* and *Naivedya Associates vs. M/s Kriti Nutrients Ltd., TA(Civil)-953-2021, decided on 02.08.2021*. He submits that when no authorization, as such, was there, therefore, the transfer application, as such, cannot be proceeded further.

With the able assistance of the counsel, this Court has gone through the recitals of the power of attorney, brought on record.

Therein, firstly stating about the authority given to Narinder Singh by the applicant, as such, to take care of his immovable property, there was also mention made about to take care of the income tax department matter, which is pending in the case and further, it is stated that besides the same, if there is any other case pending or when it is required to be instituted, he has authority to do the same and affix his signatures and file affidavit on his behalf.

Considering the same, suffice to consider this general power of attorney, which gives the power to file fresh case, while considering the transfer application. However, at this stage, meticulous appraisal of the power of attorney, is not required to be made. The same can be taken care of by the Court concerned, where the divorce petition, as such, is pending. The case law, which has been relied upon by the respondent, also considers the appraisal of power of attorney, when the cases were finally disposed of by the Court concerned and therefore, this stands distinguished for the transfer application, in hand.



Considering the same, this Court further proceed to consider the transfer application.

Undisputedly, both the applicant as well as the respondent, are doctors by profession and they are residing in Canada. There are two daughters born from the said wedlock and they are residing with the mother. In fact, in paragraph No.5 of the transfer application, specific claim of the applicant is that the parental place of the respondent is at Gidderbaha and the family of the applicant, resides at Jalandhar and the marriage was solemnized at Ludhiana and the matrimonial house was at Jalandhar. In this context, counsel for the applicant has also submitted that father of the respondent Baltej Singh has filed the divorce petition, on behalf of the respondent, being attorney, but however, he has got nothing to do with Panchkula. In fact, counsel for the applicant, while making reference to the annexures, annexed with the application, submits that the passport of attorney holder of the respondent, also gives the address of Gidderbaha, Sri Muktsar Sahib and even the same is with regard to the recital of the address, as mentioned in the Aadhaar Card.

In the light of the same, counsel for the applicant has also pointed out that there was no connection of Panchkula, with regard to performance of marriage or of the parties lastly residing together and therefore, the divorce petition, as such, has been filed, only with the sole purpose to cause harassment to the applicant, as he is based in Jalandhar. In fact, counsel for the applicant has also made reference to the annexure P-2, which is the copy of the divorce petition and while making reference to the same, submits that in fact, the marriage had taken place at Ludhiana and



TA-1178-2025

-5-

also submits that the applicant is resident of Jalandhar, as stated therein. Lot of inconvenience shall be caused to the applicant, if the divorce petition remains pending at Panchkula.

On the other hand, learned counsel for the respondent submits that in fact, the applicant has not come to the Court with clean hands. He is intentionally not making appearance in the divorce proceedings. Rather, while having knowledge of the pending divorce petition, he had filed a petition for seeking divorce in Canada, without any rhyme or reason. In fact, counsel submits that conduct of the applicant, amounts to suppression of material facts. Further also, it is submitted that father of the respondent is resident of Panchkula and therefore, the petition, as such, can be filed at Panchkula and as such, no harassment or inconvenience is caused to the applicant.

In view of the rival submissions aforesaid, it is pertinent to mention that so far as factum of taking place of the marriage is concerned, it is categoric claim of the applicant that it had taken place at Ludhiana and this fact, has also been reflected in the divorce petition, copy whereof is Annexure P-2. The applicant is resident of Jalandhar. Undisputedly, from the Passport, it is evident that Baltej Singh, who is attorney holder of the respondent, is resident of Gidderbaha, Sri Muktsar Sahib and the same is the address, reflected in the Aadhaar Card, copy whereof, has also been brought on record.

In response to the paragraph No.5 of the transfer application, where particularly, the contention has been raised about the family of the respondent, to have not shifted to Panchkula and also about the address, as



mentioned in the Aadhaar Card and Passport of Baltej Singh, attorney holder, however, there is no categorical reply to the contents of paragraphs No.5 and 6 of the transfer application. In fact, much emphasis has been laid upon the initiation of divorce petition in Canada by the applicant pending before the Court of King's Bench Family Division, Winnipeg Centre, Manitoba, Canada. On this account, it is alleged that the applicant is evading appearance in the divorce petition.

When no specific reply, as such, has come to the place of residence of the parents of the respondent, as asserted in paragraphs No.5 and 6 and no satisfactory material, as such, brought on record, to explain about the addresses, given in the copy of the Passport as well as the Aadhaar Card, it is important to make reference to Section 19 of the Hindu Marriage Act, which clearly states about the Courts, to which the petition under this Act, shall be presented, which reads as herein given:-

“19. Court to which petition shall be presented.—Every petition under this Act shall be presented to the District Court within the local limits of whose ordinary original civil jurisdiction:—

- (i) the marriage was solemnized, or*
- (ii) the respondent, at the time of the presentation of the petition, resides, or*
- (iii) the parties to the marriage last resided together, or*
- [(iiia) in case the wife is the petitioner, when she is residing on the date of presentation of the petition; or]*
- (iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is at that time, residing outside the territories to which this Act extends, or has not been heard of as*



being alive for a period of seven years or more by those persons who would naturally have heard of him if he were alive.]”

Considering the various clauses aforesaid, it is evident that none of the clauses, as such, gives reason to file the divorce petition at Panchkula. Even if the attorney holder of the respondent, had shifted to Panchkula, then also, categoric assertion relating to the same, could have been given in the reply, filed to the transfer application, but it was not so given. In fact, no reference, in the reply, has been made to the place of residence of the parents of the respondents or explain away the recitals of the Passport or of the Aadhaar Card.

Though, now it is submitted that question with regard to the jurisdiction, could be adjudicated by the Court, where the divorce petition, as such, is pending. However, in this context, reference is made to provisions of Section 24 of the CPC, which provides General power of transfer and withdrawal and the same reads, as herein given:-

“General power of transfer and withdrawal. (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage-

(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or

(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and

(i) try or dispose of the same; or



(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) retransfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which [is thereafter to try or dispose of such suit or proceeding] may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

(3) For the purposes of this section-

(a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;

(b) proceeding includes a proceeding for the execution of a decree or order].

(4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

[(5) A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it.]”

Clause 5 of the aforesaid Section empowers the Court concerned to transfer a suit or proceeding under this Section, from a Court, which has no jurisdiction to try it. In the light of the aforesaid provision, as noticed aforesaid, when the respondent is not coming with truth and not saying about the Courts at Panchkula, to be having jurisdiction, more particularly, when in the divorce petition, as evident, the respondent had only stated that Hon’ble Court has jurisdiction to entertain and try the petition, without giving any further particulars, it is quite obvious that there is mis-interpretation of the jurisdictional limits of filing of the divorce petition.



Coming to the conclusion of the Panchkula Courts to be having no concern with the matter in question and the respondent, therefore, the purpose of filing of the divorce petition at Panchkula, seemingly is malafide. Being so, an option was given to the counsel for the respondent to agree for any place, which has the jurisdiction to file the divorce petition, but however, the counsel did not make any choice relating to the same.

In the given circumstances, the transfer application, as such, is hereby accepted and the divorce petition under Section 13 of the Hindu Marriage Act, bearing No.HMA-38-2025, filed by the respondent-wife, titled '*Rimaljeet Kaur vs. Ranbir Singh*', stands transferred from the Family Court, Panchkula, to the Court of competent jurisdiction at Ludhiana, where undisputedly, the marriage between the parties had taken place. The requisite record of the aforesaid case be sent by the Family Court, Panchkula, to the District and Sessions Judge, Ludhiana.

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

February 09, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No