



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

Sr. No.120

TA-1215-2025

Date of Decision: 11.02.2026

RAMALPREET KAUR

....Applicant

Versus

NAVJOT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Manjot Singh Rai, Advocate
for the applicant.

Ms. Sapna Seth, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/254/2022, titled '*Navjot Singh Vs. Ramalpreet Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Kharar, District SAS Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Tarn Taran.

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

Counsel for the parties heard.



At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 07.10.2017. On account of the matrimonial dispute, the parties are residing separate. The applicant is residing at her parental place. Counsel submits that there is one daughter born from the estranged marriage, who is about 6 years old and she is in the care and custody of the applicant. The applicant is not having any source of earning. She has filed the petition under the Protection of Women from Domestic Violence Act, as well as the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which are pending in the Courts at Tarn Taran and the respondent is evading service in the said cases. As such, both the said cases are at the appearance stage. The distance between the two places is stated to be about 240 kms., on one side.

On the other hand, counsel for the respondent has resisted the claim for transfer of the divorce petition. In fact, it is submitted that the applicant, herself had filed various complaints against the respondent, which are pending before the authorities concerned at Kharar. As such, it is submitted that it shall be too harsh for the respondent also, to pursue the divorce petition, if the transfer application is accepted.

In response to the submissions made by the counsel for the respondent, counsel for the applicant submits that all the complaints, to which reference has been made in the reply, have since been withdrawn by the applicant.

In view of the submissions aforesaid, it is pertinent to mention that while considering the transfer application relating to the matrimonial dispute,



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the Courts generally lean towards convenience of the wife. However, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. There are various factors, which are required to be considered and one distinctive circumstance, may change the decision of the transfer application. The most weighing factor, in the present case, is about the minor daughter, who is about 6 years old, to be in the care and custody of the applicant, who herself is not having any source of earning. Even, the distance between the two places, is a material factor to be taken note of. Even though, it is submitted that various complaints have been filed by the applicant, which are pending before the authorities concerned in Kharar, District SAS Nagar, but however, counsel for the respondent has stated that these applications were transferred to Tarn Taran. However, all the complaints, which are mentioned at Annexure R-5, had since been withdrawn from the concerned authorities.

Considering the aforesaid circumstances, more particularly, considering the distance between the two places and also taking into consideration the fact of the minor daughter, who is bound to be school-going, to be in the care and custody of the applicant, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/254/2022, titled '*Navjot Singh Vs. Ramalpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Kharar, District SAS Nagar, to the Court of competent jurisdiction at Tarn Taran. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Kharar, to the District and Sessions Judge, Tarn Taran.



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

However, the respondent always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same and pass an appropriate order, in the fitness of circumstances.

11.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No