

TA-1285-2025

1

2026:PHHC:016982



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

Sr. No.121

TA-1285-2025

Date of Decision: 05.02.2026

AMANDEEP KAUR

....Applicant

Versus

YADWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Munish Raj Chaudhary, Advocate
for the applicant.

Ms. Neha Randhawa, Advocate for
Mr. S.S. Sidhu, 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. DMC/771/2025, titled '*Yadwinder Singh Dhaliwal Vs. Amandeep Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Rampura Phul, District Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Barnala.



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 03.12.2017. One son born from the said wedlock, who is about 7 years old, is in the care and custody of the respondent/husband. Unfortunately, matrimonial dispute arose between the parties, as a result whereof, the parties are residing separate. The applicant is residing at her parental place. She is posted as 'ASI' in Agriculture department and is presently posted at Barnala. Also, counsel submits that two other litigations, arising from this broken marriage i.e. the petition under Section 9 of the Hindu Marriage Act, as well as the petition under Sections 18, 19, 20 and 23 of the Protection of Women from Domestic Violence Act, are already pending in the Courts at Barnala and the respondent is making appearance in the same. The distance between the two places is stated to be about 40 kms.

On the other hand, counsel appearing on behalf of the respondent, while making reference to the reply, submits that the respondent is taking care of the minor son. Otherwise also, the applicant is a well-settled person and is also having an independent source of earning. Therefore, it should not be difficult for her, to pursue the divorce petition, even if it remains pending at Rampura Phul.

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 are required to be taken into consideration and then balancing of convenience/inconvenience of both the sides, has to be done. No doubt, generally the Courts lean towards convenience of the wife, but however, various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, the applicant is well-educated and is posted as 'ASI' in Agriculture department. She is presently posted at Barnala. As such, she is professionally-qualified and financially independent woman.

The most weighing factor in the present case is about the child, who is about 7 years old, to be in the care and custody of the respondent/husband. Definitely, while doing single parenting, the respondent ought to be facing many challenges, while upbringing the child. This aspect cannot be overlooked, more particularly, considering the applicant to be a confident lady, who is carrying on with her job and is financially independent. The '*best interest*' of the child, is required to be taken into consideration. Also, the distance between the two places is only 40 kms., which has a good transport connectivity as well. Otherwise also, the applicant is not required to make appearance in the divorce petition, on each and every date of hearing.

In view of the aforesaid fact situation and while vouchsafing the interest of the child, there is no justifiable reason coming forth, for acceptance of the transfer application.

Hence, the transfer application is hereby dismissed.



In any case, the applicant 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.

05.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No