



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

Sr. No.151

**TA-1317-2025 (O&M)
Date of Decision: 07.05.2026**

MANDEEP SINGH

....Applicant

Versus

SATVIR KAUR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arman Goyal, Advocate
for the applicant.

Mr. Bhupinder Ghai, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-8795-CII-2026

The present application has been filed at the behest of the respondent, for placing on record reply to the transfer application.

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

Main case

The applicant-Mandeep Singh has filed the present application for seeking transfer of the petition under Section 13 of the Civil Procedure Code i.e. CS/27/2024, titled '*Satvir Kaur Vs. Mandeep Singh*', filed by the respondent (ex-wife of the applicant), pending in the Family Court, SAS



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Nagar and he seeks transfer of the same to the Court of competent jurisdiction at Ambala.

In pursuance of notice issued, the respondent made appearance through counsel. Though, at first instance, counsel for the respondent had given a statement that he does not intend to file reply, but however, later on, he had filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the applicant is ex-husband of the respondent. He is permanently residing at USA and in the present application, he is represented through his attorney-holder. The marriage between the parties to the lis, had taken place on 18.11.2017. From their wedlock, one daughter was born in the year 2011, who is US citizen by birth. On account of the matrimonial dispute, the parties are residing separate since 05.01.2012. Further, counsel has submitted that the respondent had initiated litigation in USA and the proceedings eventually culminated in a final decree of divorce dated 09.06.2013. However, the respondent (ex-wife), had abducted the minor child, who is a US citizen by birth and absconded to India with all marital assets of significant value. Thereafter, the applicant was deprived of having any access to the only child born from the estranged marriage.

Also, counsel submits that the brother of the respondent, namely, Ajit Singh Lyallpuri, as well as her father-Gurmail Singh, are Advocates. Said Gurmail Singh is ex-President of Bar Association, Kharar. Even, her cousin i.e. Karan Singh, is a practising Advocate at Kharar, SAS Nagar, as well as Chandigarh. Even, the respondent herself is having LL.B.



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and LL.M. degrees. Further, it is submitted that the applicant came to know about the fact that the respondent had filed a suit for declaration to assail the decree of divorce dated 09.06.2013, passed by the US Court and *ex parte* judgment dated 20.03.2018 was obtained by her, in a hasty manner, within a period of 7-8 months, without any intimation to the applicant. It is submitted that as soon as the applicant came to know about the same, he had filed an application under Order 9 Rule 13 CPC, for setting aside of the *ex parte* judgment and decree dated 20.03.2018. It was only after a period of 5 years that the said application was decided in the applicant's favour and the suit had been restored and now, he is contesting the same.

Further, the counsel submits that there is too much of throwing of weight, at the instance of the respondent and her family members, who are full of advocates. In fact, counsel for the applicant, while making reference to the contents of the application, submits that father and brother of the respondent are habitual of manipulating things and vide judgment dated 18.03.2024, the father of the respondent was held guilty of professional misconduct and a fine of Rs.50,000/- was imposed upon Ajit Singh Lyallpuri, brother of the respondent. Also, counsel submits that earlier an application was filed by the applicant for seeking transfer of the said suit from the Courts at Kharar, to any other Court and the said application was allowed by the District Judge. However, the case was transferred from Kharar to SAS Nagar, which did not fulfil the purpose.

Furthermore, the counsel has made reference to other contents of the application to assert that false FIR was got registered against the applicant and his family members, at the instance of the respondent.



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However, the said FIR had been quashed qua mother, sister and brother of the applicant. Not only this, the counsel has also pointed out that during the course of proceedings, being conducted at Kharar Courts and that too in the presence of the Presiding Officer, father of the respondent i.e. Gurmail Singh, Advocate, had slapped the other side counsel, as a result whereof, the case was registered and said Gurmail Singh was convicted, vide judgment dated 22.12.2025 and he was released on probation.

Besides the aforesaid, counsel submits that there are other cases also, arising from this broken marriage. Furthermore, it is submitted that the brother of the applicant, namely, Ajit Singh Lyallpuri, had caused harassment to the counsel for the applicant before learned Family Court i.e. Damayanti Dheeman, while striking her vehicle and pretending it to be a mere accident. In this regard, complaints have been made to Hon'ble the Chief Justice and other authorities. Such being the factual position, it is submitted by the counsel for the applicant that the applicant is having apprehension of not getting '*fair trial*' in the Courts at SAS Nagar. As such, the counsel makes a prayer for acceptance of the transfer application.

On the other hand, counsel for the respondent submits that false allegations have been levelled, only to cause harassment to the respondent. In fact, it is submitted that the brother of the respondent, namely, Ajit Singh Lyallpuri, had unfortunately passed away on 03.11.2025. As such, the ground for seeking transfer, relating to the alleged bad conduct on the part of brother of the respondent, cannot be considered by the Court. In fact, it is submitted that minor child, born from the estranged marriage, is in the care and custody of the respondent (ex-wife). In fact, the respondent is not a



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practising advocate, as alleged by the applicant. So far as the quashing of the proceedings qua the other family members of the applicant, is concerned, counsel submits that it is a matter of record. Solely, the proceedings having been quashed, do not make a case for seeking transfer of the civil suit.

Section 24 CPC empowers the High Court or District Court, to transfer any pending legal proceedings, from one Court to another. This confers comprehensive power on the Court to transfer the proceedings. However, each case has to be decided in its own factual background, as there is no cast iron formula, unanimously applicable to all the situations. One differential/distinctive circumstance, can change the decision of the transfer application. Therefore, this power ought to be exercised with due care, caution and circumspection.

Time and again, broad propositions have been laid down by the Courts, as to what may constitute a ground for transfer. There are numerous circumstances and amongst the same, the foremost to be relevant for the present application is about the reasonable apprehension, in the mind of the litigant that he might not get justice in the Court, where the civil suit is pending, on account of the respondent and her family members, who have a legal background, throwing weight to cause harassment to the applicant and thwart his efforts to seek '*fair trial*'.

Considering the various circumstances, if the Court feels that the litigant, who knocks the door of the Court, is not likely to have a '*fair trial*' in the Court, from which he seeks transfer of the case, it is not only the power, but the duty of the Court to pass an order for transfer. However, the



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Court is required to act 'judiciously', while ordering a transfer of the case on the application of either party.

In this backdrop, adverting to the case in hand, it is pertinent to mention that the father and brother of the respondent were Advocates. However, from the death certificate, which has been brought on record by the respondent, it is evident that during the pendency of present transfer application, the brother of the respondent has died. Her father is stated to be practising at Kharar and even, he is ex-President of the Kharar Bar Association. So far as, the respondent herself is concerned, it has been denied that she is a practising lawyer, though, she had obtained the degree of law.

Along with the transfer application, various documents have been annexed to show about conducting of the proceedings by the Court concerned and also about summoning of witness ASI Dalip Singh. May it be so. It is pertinent to mention that none of the orders have been challenged by the applicant and therefore, the manner of conducting of proceedings, causing favouritism, with a purpose to delay the proceedings, is not evident, without any material coming forth. However, this Court is consciously not making reference to the same, as the matter is pending before learned Family Court.

From the material brought on record, it is evident that decree of divorce was passed by the US Court on 09.06.2013 and thereafter, a suit was filed at the instance of the respondent, for seeking declaration qua the legality and validity of the said decree. In the said suit, an *ex parte* judgment was passed on 20.03.2018. However, an application under Order 9 Rule 13



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CPC, was filed by the applicant and the same was allowed, vide order dated 06.05.2023, copy whereof is Annexure P-6. It was thereupon, that the suit was pending in the Courts at Kharar. However, transfer application was filed by the applicant before learned District Judge and the same was allowed, vide order dated 30.05.2024 and the questioned suit was transferred from Kharar to SAS Nagar.

From the perusal of the order passed by the District Judge, it is evident that the assertions made by the applicant, were with regard to having lost faith in the Court, as the father and brother of the respondent, are practising lawyers in the Courts at Kharar and Mohali. Considering the apprehension of being deprived of '*fair trial*', the suit was transferred. The brother of the respondent, namely, Ajit Singh Lyallpuri, who was practising at SAS Nagar, had since died.

No doubt, there are allegations against the conduct of the brother of the respondent, namely, Ajit Singh Lyallpuri, but however, since he has already died, the said allegations may not be taken into consideration. Suffice to consider that Damayanti Dheeman, counsel of the applicant before learned Family Court, had written an e-mail to the applicant, thereby asserting about Gurmail Singh i.e. father of the respondent, to have made personal comments against her and Sandeep Sharma, the other counsel and having tried to defame them, by using derogatory language. A copy of the e-mail is Annexure P-7. Thereupon the applicant had filed a complaint before Hon'ble the Chief Justice, thereby apprising about the bad conduct of the family members of the respondent.



Besides the aforesaid, even though, counsel for the applicant has made reference to the judicial orders passed, thereby quashing the FIR got registered at the instance of the respondent, qua his family members, but however, there is no need to make mention to the same, as the matter is *sub judice*. However, the fact about the brother and father of the respondent being advocates, in itself is no ground to transfer the case. However, when some extraneous circumstances are spelt out from the material brought on record, with regard to the efforts made by the advocate or the litigant to over-reach or thereby throwing weight to such an extent, which causes fear in the mind of the opposite party, to such an extent, as a result whereof, they may gather an impression of denial of '*fair trial*', then there is no inhibition on the part of the Court, to accept the transfer application, more particularly, in a case, where the rival party or his/her family members, belong to the legal fraternity.

However, in the case in hand, there are assertions about the respondent and her family members to be having a legal background and they are practising at Kharar/Mohali. Though, the brother of the respondent, namely, Ajit Singh Lyallpuri has since died, but however, there is other material, evidently coming record, which creates certain apprehensions in the mind of the applicant (ex-husband), thereby giving an inkling of inter-meddling of the respondent or her family members, to cause obstruction to the applicant, to pursue the proceedings.

Considering this inkling, being gathered by the applicant, it is essential to note that the *justice should not only be done, but it should also appear to have been done*. Therefore, to avoid any element of throwing of



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weight by the respondent or her family members, in any manner, to obstruct the applicant from pursuing the legal remedy, it is just and expedient to transfer the case from SAS Nagar. However, the prayer of the applicant to transfer the case to Ambala, as such, is not acceptable, while considering the respondent to be taking care of one daughter also. Keeping in view the same, the transfer application is **partly allowed** and the petition under Section 13 of the Civil Procedure Code i.e. CS/27/2024, titled '*Satvir Kaur Vs. Mandeep Singh*', filed by the respondent-husband, stands transferred from the Family Court, SAS Nagar, to the Court of competent jurisdiction at Panchkula. The requisite record of the aforesaid case be sent by the Family Court, SAS Nagar, to the District and Sessions Judge, Panchkula.

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

07.05.2026

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No