



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.103

TA-1558-2024 (O&M)
Date of Decision: 12.02.2026

JAGJIT KAUR KAPOOR

....Applicant

Versus

SUKHNAIN SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kulwinder Singh Lakhanpal, Advocate
for the applicant.

Mr. Vivek K Thakur, 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/18/2024, titled '*Sukhnain Singh v/s Jagjit Kaur Kapoor*, filed by the respondent-husband, pending in the Family Court, Bholath, District Kapurthala and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

Upon 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



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26.01.2015, but no child was born from the said wedlock. This was the second marriage of both the parties. The applicant has one daughter born from her previous marriage, who was adopted by the respondent, vide adoption deed dated 09.02.2015. The applicant is having the custody of the said child. Even, the respondent has one son from his previous marriage. However, on account of matrimonial dispute, the parties are residing separate. The applicant has filed petition under the Protection of Women from Domestic Violence Act, which has since been decided, vide judgment dated 03.05.2023 (Annexure P-1). As per the same, the court had directed the respondent to pay a sum of Rs.15,000/- per month, as maintenance to the applicant as well as Rs.5,000/- per month as rent for rented accommodation and besides the same, he was directed to pay a lumpsum amount of Rs.1,00,000/- to the applicant, as compensation, under Section 23 of the Act. However, the requisite amount have never been paid. The applicant had filed execution petition qua the same. The distance between the two places is stated to be 80 kms. The applicant is not working and has no source of earning.

On the other hand, counsel for the respondent, while making reference to the reply submits that the applicant has not come to the court with clean hands. In fact, the execution, which was allegedly filed, has since been withdrawn. Also, it is submitted that the respondent is residing abroad and he will be maintaining the daughter of the applicant also, born from her previous marriage.

In view of the submissions aforesaid, it is pertinent to mention that one daughter, who is a student of 10+2 class, is in the care and custody



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of the applicant, who herself is having no source of earning. Even, the petition under the Protection of Women from Domestic Violence Act, has since been decided by the court and compliance of the same, *vis-a-vis*, the payment of maintenance and the rent as well as compensation awarded, has not been made. Even though, counsel for the respondent submits that the compliance of the same, has been made, but however, there is no material, as such, is coming on record, to so substantiate this assertion.

Considering the aforesaid fact situation and also taking into consideration the fact of applicant to be taking care of one school going daughter and herself having no source of earning, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/18/2024, titled '*Sukhnain Singh v/s Jagjit Kaur Kapoor*', filed by the respondent-husband, stands transferred from the Family Court, Bholath, District Kapurthala, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Bholath, to the District and Sessions Judge, Hoshiarpur.

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

12.02.2026

Sonu Saini

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No