



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

Sr. No.152

TA-1582-2024

Date of Decision: 06.05.2026

NAVJOT KAUR

....Applicant

Versus

MANDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.S. Brar, Advocate
for the applicant.

Ms. Rashi Verma, Advocate for
Mr. Manu Loona, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/183/2024, titled '*Mandeep Singh Vs. Navjot Kaur*', filed by the respondent-husband, pending in the Family Court, Fazilka and she seeks transfer of the same to the Court of competent jurisdiction at Faridkot.

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

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



06.03.2021. One son born from the said wedlock, who is about 4 years old, is in the care and custody of the applicant. However, On account of the matrimonial dispute, the parties are residing separate. The applicant is residing at her parental place. Further, it is submitted that the respondent is a practising Advocate in District Court, Fazilka.

Also, it is submitted that the applicant, together with her son, is dependent upon her parents, as she is not having any source of earning. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Faridkot and the respondent is making appearance in the same. Also, the counsel submits that after filing of the transfer application, the applicant had also filed the petition under the Protection of Women from Domestic Violence Act, the mention whereof is made in the rejoinder and the said petition is also pending in the Courts at Faridkot and the respondent is making appearance in the said case, as well. The distance between the two places is stated to be about 85 kms. Thus, it is submitted that it is difficult for the applicant to take care of the minor child and pursue the litigation, from such a distance.

On the other hand, counsel for the respondent, while making reference to the reply, refutes the claim of the applicant. In fact, she submits that the respondent is not working as an Advocate in District Court, Fazilka and he is merely a helper at the typing shop of his father, situated at DC Office, Fazilka. However, it is submitted that the respondent is having a degree of law, but he is not practising as an Advocate.



On query by this Court, it is stated by the counsel for the respondent that no other litigation, arising from this estranged marriage, is pending in the Courts at Fazilka.

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 ought to be taken into consideration. The most weighing and relevant factor in the case in hand, is with regard to the child born from the estranged marriage, who is about 4 years old at present, to be in the care and custody of the applicant, who herself is not having any source of earning. Even though, it is asserted by the applicant that the respondent is a practising Advocate at District Court, Fazilka, but however, the said fact has been denied by the respondent. In fact, the respondent is stated to be working as a helper at the typing shop of his father. However, it is admitted in the reply only, that the respondent is having a law degree. May it be so. Even if the respondent is taken to be a practising Advocate at District Court, Fazilka, then also, it is not a ground to be considered for disposal of the application, unless and until some extraneous circumstances are spelt out. However, it is not so in the case in hand.

In view of the aforesaid fact situation, considering the 4 years' old child to be in the custody of the applicant, who is herself not having any source of earning; the distance between the two places and above it, taking into consideration the fact of two other cases, arising from the estranged marriage, to be pending in the Courts at Faridkot, which are being pursued by the respondent, the transfer application is allowed and the petition under



Section 9 of the Hindu Marriage Act i.e. DMC/183/2024, titled ‘*Mandeep Singh Vs. Navjot Kaur*’, filed by the respondent-husband, stands transferred from the Family Court, Fazilka, to the Court of competent jurisdiction at Faridkot. The requisite record of the aforesaid case be sent by the Family Court, Fazilka, to the District and Sessions Judge, Faridkot.

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

06.05.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes/No