



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

Sr. No.143

TA-1590-2025 (O&M)

Date of Decision: 05.05.2026

SUKHJINDER SINGH

....Applicant

Versus

SUKHWINDER RAM @ SANDEEP

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kamal Jindal, Advocate for the applicant.

Mr. Hitesh Verma and Ms. Rajvinder Kaur, Advocates
for the respondent.

ARCHANA PURI, J. (Oral)

Report has been received from the Mediation and Conciliation
Centre. As per the same, the matter remained unsettled.

Reply, at the behest of the respondent, already filed.

CM-24450-CII-2025

Keeping in view the averments made in the application, same is
allowed.

Main case

The applicant-Sukhjinder Singh has filed the present application
for seeking transfer of the petition under Section 25 of the Guardians and
Wards Act i.e. GW/28/2022, titled '*Sukhwinder Ram @ Sandeep Vs.
Sukhjinder Singh*', filed by the respondent (brother-in-law of the
respondent), pending in the Family Court, Barnala and she seeks transfer of
the same to the Court of competent jurisdiction at Sri Muktsar Sahib.



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

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that marriage of the respondent was solemnized with Amanpreet Kaur i.e. sister of the applicant. From the said wedlock, one daughter-Vanshpreet Kaur, was born on 08.06.2018, who at present, is about 8 years old. She is presently in the care and custody of the applicant.

Further, it is submitted that unfortunately, matrimonial dispute arose between the sister of the applicant, with the respondent, as a result whereof, the petition under Section 125 Cr.P.C., was filed by her. Even, an FIR bearing No.154 dated 21.08.2019, under Sections 34, 323, 382 and 498-A IPC, was got registered by the applicant. However, later on, compromise was effected between them, vide writing dated 25.02.2019 and on the basis of the said compromise, the land to the extent of 16 kanals, was transferred by the respondent, in the name of his wife i.e. Amanpreet, who is sister of the applicant. On the basis of this compromise, FIR aforesaid was quashed.

Furthermore, it is submitted that unfortunately, the sister of the applicant had died on 26.04.2022, while she was living with the applicant. Even, her daughter-Vanshpreet Kaur, was residing with them. Thereafter, the respondent had filed the custody petition. Also, it is submitted that since the applicant is taking care of the minor child, it is difficult for him to pursue the guardianship petition, from the place of his residence, which is at a distance of about 100 kms. from Barnala.



On the other hand, counsel for the respondent, while making reference to the reply, submits that the applicant had not come to the Court with clean hands. In fact, the applicant has not disclosed about pendency of other litigation between the parties i.e. CS/668/2022, which is filed by the applicant himself. Copy of the said suit is Annexure R-1.

On query by this Court, it is submitted by the counsel for the respondent that the aforesaid suit is at the stage of recording of evidence of the respondent (who is petitioner in the said case). As such, it is submitted that if the applicant could pursue one civil litigation, he can very well pursue the guardianship petition also, pending in the Courts at Barnala. Also, it is submitted that the guardianship petition is pending since the year 2022 and after a period of four years, recording of evidence of the respondent is about to be closed.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, more particularly, relating to the family dispute, various factors ought to be taken into consideration. Each case has to be adjudicated in its own factual background. One distinctive circumstance, may change the fate of the case. Undisputedly, in the case in hand, the marriage of the sister of the applicant, namely, Amanpreet Kaur, had taken place with the respondent and one daughter was born from this wedlock on 08.06.2018, who undisputedly is in the custody of the applicant.

Also, it is not disputed between the parties that earlier, there was a matrimonial dispute of the sister of the applicant, with the respondent, which resulted into initiation of litigation i.e. the maintenance petition, as



TA-1590-2025 (O&M)

well as, registration of FIR, as detailed aforesaid. However, later on compromise was effected between them. The factum of death of the applicant's sister is also not disputed between the parties.

On query, as to whether the sister of the applicant died under unnatural circumstances, the same was denied and it was stated that it was on account of medical ailment that she had died. On further query, it is submitted that the sister of the applicant, as well as the child in question, were residing with the applicant, prior to her death.

Considering the aforesaid, it is pertinent to mention that the child is about 8 years old. On query, it is submitted by the counsel for the applicant that she is studying in the school at Jaiton, District Faridkot.

Very true, as pointed out by the counsel for the applicant that the guardianship petition was filed in the year 2022, but however, the transfer application has been filed at the fag end of the year 2025. No reason has been assigned, as to why the transfer application was not filed earlier. Even, the said petition is stated to be pending at the stage of recording of evidence of the respondent (who is petitioner in the said case). Even otherwise, there is one other civil suit, which is pending in the Courts at Barnala, mention whereof has not been made by the applicant in the application. So far as the interest of the growing child is concerned, the same is to be taken care of by the applicant.

On query, it is stated that in the family of the applicant, apart from the applicant, there is his wife, as well as his parents, apart from Vanshpreet Kaur, daughter of his deceased sister-Amanpreet Kaur. The proceedings pending before the Court, which are sought to be transferred,



are of civil nature and therefore, the applicant can very well take care of the same, more particularly, when another civil litigation is already pending in the Courts at Barnala, which is being pursued by him. Anyhow, the Courts are much concerned about watching the interest of the child. Considering the same, if the guardianship Court wants to have interaction with the child, the same can always be done through virtual mode and if the applicant is required to make appearance in the Court, then also, the child can be well taken care of by other family members of the applicant.

Considering the aforesaid circumstances, more particularly, considering the fact that transfer application has been filed after a period of about 4 years, from the date of filing of the guardianship petition, this Court does not deem it appropriate to allow the application.

Hence, the transfer application is hereby dismissed.

05.05.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No