



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

Sr. No.115

TA-1728-2025

Date of Decision: 19.02.2026

JASHANPREET KAUR AND ANOTHER

....Applicants

Versus

JAGSIR SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kartik Gandhi and Mr. Ritik Mohindroo, Advocates
for the applicants.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 09.02.2026, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicants have filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/473/2025, titled '*Jagsir Singh Vs. Jashanpreet Kaur and another*', filed by the respondent (husband of applicant No.1), pending in the Family Court, Faridkot and they seek transfer of the same to the Court of competent jurisdiction at Amritsar.



It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 20.09.2022. One daughter born from the said wedlock, who is about two years old, is in the care and custody of applicant No.1. On account of the matrimonial dispute, the applicant No.1 and the respondent are residing separate. Applicant No.1, at present, is residing in District Amritsar, in a live-in relationship, with applicant No.2-Lovepreet Singh. Also, it is submitted that the applicants have been granted protection, by the Coordinate Bench, vide order dated 01.09.2025, copy whereof is Annexure P-2. In fact, it is submitted that applicant No.1 is still apprehending threat, at the instance of the respondent and his family members. In view of the same, it is submitted that it is difficult for her, to commute a distance of about 125 kms. on one side, to defend the divorce petition. Furthermore, it is submitted that applicant No.1 is not having any source of earning.

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 and then, convenience/inconvenience of the parties has to be balanced by the Court. Each case has to be adjudicated in its own factual background and there is no formula of universal application qua such transfer applications.

In the case in hand, applicant No.1 got out of the marriage and now, she is in a live-in relationship. Seemingly, she is a bold and confident woman, who can take such a step. Now, it is submitted by the counsel that the threat is still continuing, even after passing of the order dated 01.09.2025, copy whereof is Annexure P-2. However, no material has been



brought on record by the counsel, about threat, at any stage, being extended to applicant No.1, by the respondent and his family members. On query by this Court, it has been stated that no application has been filed by applicant No.1, before the authorities concerned, *vis-a-vis*, the protection extended and the threat still continuing, at the instance of the respondent and his family. As such, this is only a wide allegation made, with regard to the threat still continuing. Furthermore, it is submitted that applicant No.1 is not doing any work and therefore, is not having sufficient funds.

On further query by this Court, it is disclosed by the counsel that applicant No.1 has joined the divorce proceedings. In the given circumstances, she always has an option to seek maintenance/litigation expenses, from the Court concerned. However, considering the applicant to be a confident woman and also taking into consideration the fact of two places, where the litigation is pending and where it is sought to be transferred, to be well-connected by road and rail, no case is made out for acceptance of the application.

Hence, the transfer application is hereby dismissed.

19.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No