



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

**Sr. No.112**

**TA-42-2025**

**Date of Decision: 11.09.2025**

**GURPREET KAUR**

**...Applicant**

**Versus**

**JAGBIR SINGH**

**....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Ms. Simranjit Kaur Gill, Advocate  
for the applicant.

Mr. Sanjay Jain, Advocate  
for the respondent.

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**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/978/2024, titled '*Jagbir Singh Vs. Gurpreet Kaur*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

In pursuance of 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 15.11.2015. One daughter born from the said wedlock, who is about 10 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant is working as 'Clerk' in Election Commission Punjab, at Chandigarh.

On query by this Court, it is disclosed by the counsel for the applicant that the salary of applicant is about Rs.90,000/-. Furthermore, it is submitted that on account of this matrimonial dispute, she had filed the maintenance petition, on behalf of her daughter, which is pending in the Courts at Chandigarh and the respondent is making appearance in the same. In the given circumstances, it is submitted that while taking care of the minor daughter, as well as performing her job, it is difficult for the applicant, to commute a distance of even 55 kilometres, from Chandigarh to Ambala, to defend the divorce petition.

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, mutual compromise had taken place between the parties on 11.05.2024, but however, the applicant has not complied with the terms of the said compromise. Also, it is submitted that solely to counter the terms of the compromise, with regard to staying of the parents of the respondent with the applicant and the respondent, she had taken a rented accommodation, consisting only of one room. Also, it is submitted that the earnings of the respondent are much below the earnings of the applicant and therefore, she can very well pursue the litigation, even if it remains pending at Ambala.



In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts give preference to the convenience of wife, while considering the transfer application relating to the matrimonial dispute. However, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. Each case has to be decided in its own factual background and one distinctive/differential circumstance can lead to a different decision of the transfer application, even relating to the matrimonial dispute. In the case in hand, the primary weighing factor to be considered is that the daughter born from the wedlock of the parties who is in the care and custody of the applicant. Though, the applicant may be financially independent, as she is working as 'Clerk' in Chandigarh, but however, the prime consideration is the best interest of the minor child. Even, one case is pending in the Courts at Chandigarh, wherein the respondent is making appearance. There may be a huge difference in the earnings of the applicant, as well as the respondent, but however, this cannot be given preference, over the interest of the child, who is living with the applicant/mother.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/978/2024, titled '*Jagbir Singh Vs. Gurpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Ambala, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Ambala, to the District and Sessions Judge, Chandigarh.



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

**11.09.2025**  
Himanshu Vats

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No