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

**CRM-M-31387-2025**  
**Date of decision: 14.07.2025**

**Gurdeep Kaur and another**

**...Petitioner(s)**

**versus**

**Balkar Singh**

**...Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Monty Goyal, Advocate, for the petitioners.

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**JASGURPREET SINGH PURI, J.**

1. The present petition has been filed under Section 528 of BNSS, 2023 read with Section 447 of BNSS, 2023 for issuance of directions to transfer the petition vide case No. MNT:125/9/2020 dated 18.02.2020, under Section 125 Cr.P.C, titled "*Gurdeep Versus Balkar Singh*" (Annexure P-1) from Payal to Ludhiana.

2. Learned counsel appearing on behalf of the petitioners submitted that the prayer in the present petition is for transfer of the petition which was filed by the petitioner-wife against the respondent-husband under Section 125 Cr.P.C. for grant of maintenance, which is pending before the Courts at Payal and the same may be transferred to Ludhiana. In this regard, he submitted that there was a matrimonial dispute between the parties and there are some other cases pending between the parties as well which have been described in para No.2 of the present petition. He submitted that one civil suit filed by the petitioner-wife is pending at Ludhiana and the remaining are pending before the



learned Additional Principal Judge, Family Court, Payal. He submitted that although the petitioner-wife resides at Tehsil Payal but she has now for some time shifted to Ludhiana for undergoing some training and due to which it becomes convenient for her to attend the case at Ludhiana and therefore, the proceedings under Section 125 Cr.P.C may be transferred to Ludhiana keeping into consideration the convenience of the petitioner-wife.

3. I have heard the learned counsel for the petitioners.

4. There are various cases pending *inter se* between the parties i.e. petitioner-wife and respondent-husband regarding which details have been mentioned in para No.2 of the present petition, which is reproduced as under:-

*2. That the following cases are the out come of same occurrence:-*

*(a) One Civil Suit is pending in the Id. court of Dr. Mandeep Mittal, AFJFC, Ludhiana tilted as "Gurdeep Kaur V/s Balkar Singh.*

*(b) Petition U/s 125 Cr.P.C. tilted as "Gurdeep Singh v/s Balkar Singh" pending in the Id. court of Sh. Gurpartap Singh, Additional Civil Judge, Principal Judge, Family Court, Payal.*

*(c) Petition U/s 13 of HMA tilted as "Balkar Singh V/s Gurdeep Kaur" pending in the Id. court of Sh. Gurpatap Singh, Additional Principal Judge, Family Court, Payal.*

*(d) One execution tilted as "Gurdeep Kaur V/s Balkar Singh" Pending in the Id. court of Sh. Gurpatap Singh, Additional Principal Judge, Family Court, Payal.*

5. A perusal of the aforesaid would show that out of the aforesaid four cases, three cases are pending before the learned Additional Principal Judge,



Family Court, Payal, whereas one case is pending at Ludhiana. The approximate distance between Payal and Ludhiana is about 30 kms. and Tehsil Payal also falls in District Ludhiana. A perusal of the memo of parties, which has been filed by the petitioners would show that the petitioner-wife is resident of Village Pandher Kheri, P.S. Maloudh, Tehsil Payal, District Ludhiana and her temporary address has been shown to be Village Gurditpura, Tehsil Payal, District Ludhiana. In this way, as per the memo of parties filed by the petitioner-wife herself in the present case, she resides in Tehsil Payal and not at Ludhiana. However, it was the submission of the learned counsel for the petitioners that the petitioner-wife has shifted to Ludhiana for undertaking some training and due to this reason the matter may be transferred to Ludhiana. The petition filed by the petitioner-wife under Section 125 Cr.P.C. is pending from the year 2020 before the learned Additional Principal Judge, Family Court, Payal. A perusal of the entire petition filed by the petitioner-wife would show that it is only a narration of the dispute between the parties but there is no cogent reason or any ground stated in the petition itself so as to seek transfer from Payal to Ludhiana which falls in the same District. The only ground taken by the petitioner-wife is incorporated in paras No.4 and 7, wherein she has so stated that now she has joined the training at Ludhiana and usually visits Ludhiana and therefore, she wants the transfer of the case to Ludhiana as Ludhiana is suitable and convenient for the petitioner-wife.

6. The petitioner-wife also filed a transfer application before the learned Principal Judge, Family Court, Ludhiana, which was dismissed on 19.09.2024. The aforesaid order passed by the learned Principal Judge, Family Court, Ludhiana has not been challenged in the present petition but it will be



just and proper to consider the same. A perusal of the same would show that it was also so observed by the learned Principal Judge, Family Court, Ludhiana that it is not the case of the petitioner-wife that she resides at Ludhiana but she has moved the application for transfer only on the ground that she has now joined training at Ludhiana and she usually visits Ludhiana and therefore, the matter may be transferred to Ludhiana. Rather both the parties are residing within the jurisdiction of the Courts at Payal where different litigations are still pending for the last four years. It was observed by the learned Principal Judge, Family Court, Ludhiana in the aforesaid order that when the parties reside within the jurisdiction of Court at Payal and the fact is not denied by the petitioner-wife then the mere fact that she has taken up a ground that she has joined some training at Ludhiana cannot become a ground for transfer of the case to Ludhiana and particularly when she has not even mentioned as to which training she has joined in Ludhiana and for how long the said training is to continue and therefore, the learned Principal Judge, Family Court, Ludhiana dismissed the transfer application moved by the petitioner-wife on 19.09.2024.

7. This Court is of the considered view that there is no ground available with the petitioner-wife for seeking transfer of the case from Family Court, Payal to Ludhiana in view of the aforesaid factual position. There is no good reason for seeking any transfer from Payal to Ludhiana particularly when both the petitioner-wife and respondent-husband reside in Tehsil Payal itself. The mere fact that the petitioner-wife for some time has shifted to Ludhiana for some training purposes of which even the tenure is not mentioned anywhere is not a good ground for transfer particularly when the matter is pending for the last four years at Family Court, Payal. No cogent reason has been so stated in



the present petition or submitted by the learned counsel for the petitioners for seeking transfer.

8. Consequently, finding no merit in the present petition, the same is hereby dismissed.

9. Although some costs ought to have been imposed upon the petitioner-wife for filing such a petition where there is no cogent ground mentioned or pleaded for seeking a transfer but by taking a lenient view, this Court deems it fit and proper not to impose costs upon the petitioner-wife.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**14.07.2025**

*rakesh*

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