

TA-597-2024

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

**Sr. No.110**

**TA-597-2024**

**Date of Decision: 21.07.2025**

**KULDIP KAUR**

**...Applicant**

**Versus**

**AMARJIT SINGH**

**....Respondent**

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

Present:- Mr. H.S. Bedi, Advocate  
for the applicant.

Mr. Saurabh Kapoor, Advocate  
for the respondent  
(through video conferencing).

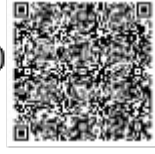
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**ARCHANA PURI, J. (Oral)**

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, titled '*Amarjit Singh Vs. Kuldip Kaur*', filed by the respondent-husband, pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Shahabad, District Kurukshetra.

Upon notice, the respondent made appearance through counsel and filed reply.

The counsel for the parties heard.

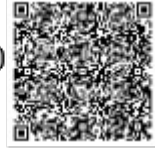


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At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 24.10.2015. On account of the matrimonial dispute, the parties are residing separate. One daughter born from the wedlock of the parties to the lis, who is about 8 years old, is in the care and custody of the applicant.

Further, it is submitted that on account of this matrimonial dispute, the respondent is facing trial in the Courts at Shahabad, relating to FIR bearing No.146 dated 24.07.2017, under Sections 323, 34, 342, 406, 498-A and 506 IPC, got lodged by the applicant at Police Station Babain, District Kurukshetra. Besides the same, the applicant has also filed the petition under the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Shahabad and the respondent is making appearance in the same. Also, the respondent had filed the petition under the Guardians and Wards Act, for seeking custody of the daughter, which is pending in the Courts at Shahabad. Furthermore, it is submitted that the applicant is not having any source of earning. Even, she had filed the petition under Section 125 Cr.P.C., which has since been decided by the Courts at Shahabad and the respondent is making payment of the maintenance, with some irregularity. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 150 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply filed and the order passed by the Coordinate Bench in CRM-M-30950-2017, copy whereof is Annexure R-1, submits that it was on account of bad conduct of the applicant, that the anticipatory bail was

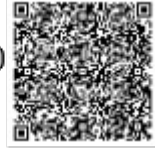


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granted to the respondent. Further, the counsel makes reference to page No.2 of this order to submit that it was on account of her using multiple sim cards, that the dispute arose between the parties.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, in case of transfer application relating to the matrimonial dispute. Though, it may not be a thumb rule, but however, the various other circumstances surfaced from the material brought on record, also ought to be taken into consideration. In the case in hand, the applicant is not having any source of earning and the maintenance has been fixed by learned Family Court, which is alleged to be paid by the respondent, with some irregularity. The daughter born from the wedlock of the parties, who is about 8 years old, is in the care and custody of the applicant. Furthermore, three other cases are already pending in the Courts at Shahabad, which are pursued by the respondent. Even though, reference is made by the counsel for the respondent to Annexure R-1, *vis-a-vis*, the conduct of the applicant, but however, it is pertinent to mention that page No.2 of the said order relates to the contentions recorded by the Coordinate Bench. No such finding is evident. Considering the same, as to what is the conduct of the applicant, shall be considered by the appropriate Court.

Considering the aforesaid mitigating circumstances, more particularly, considering the custody of the daughter born from the wedlock of the parties, who is about 8 years old, with the applicant, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act, titled '*Amarjit Singh Vs. Kuldip Kaur*', filed by the



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respondent-husband, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at Shahabad, District Kurukshetra. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Kurukshetra.

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

**21.07.2025**  
Himanshu

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

Whether speaking/reasoned : Yes

Whether reportable : Yes/No