



FAO-5529-2024 (O&M)

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

(107)

FAO-5529-2024 (O&M)  
Date of Decision:- 16.01.2025

Mandeep Singh

.....Appellant

Versus

Veerpal Kaur

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE LISA GILL  
HON'BLE MR. JUSTICE ALOK JAIN  
\*\*\*\***

Present: Mr. Siddharth Gupta, Advocate for the appellant.

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**ALOK JAIN, J.**

**CM-21191-CII-2024**

Prayer in this application is for condonation of delay of 44 days in filing the appeal.

For reasons mentioned in the application and explanation given therein, delay of 44 days is condoned.

Application stand is disposed of accordingly.

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1. Instant appeal has been preferred by husband-Mandeep Singh against judgment and decree dated 12.09.2024 (Annexure A-6) passed by learned Principal Judge, Family Court, Sangrur, whereby application filed by respondent-wife seeking transfer of the Civil Suit No. 3 of 2024 titled as



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*Veerpal Kaur vs. Mandeep Singh* pending in the Court of Learned Additional Principal Judge, Family Court, (Camp at Sunam), District Sangrur, to the Court of Learned Additional Principal Judge, Family Court, Sangrur, has been allowed.

2. Succinctly, facts stated by learned counsel for appellant are that appellant was married to respondent on 05.11.2019, as per Sikh rites and rituals at Gurudwara Sahib, Gaga, Tehsil and District Sangrur. One male child born from the said wedlock is in custody of appellant-husband. It is further alleged that conflicts arose in their marriage due to respondent's violent behaviour and disrespectful conduct. Respondent-wife even neglected the minor child and refused maternal care. Subsequently, respondent-wife began working at a finance company and engaged in inappropriate communications with unknown individuals, and allowed unauthorized visitors into matrimonial home in the absence of appellant-husband. When appellant and his mother requested respondent to mend her ways then respondent-wife refused and threatened appellant not to interfere in her life, otherwise she will falsely implicate all of them in a criminal case.

3. It has been further submitted by learned counsel for appellant that in August 2023, respondent left matrimonial home, taking away all her valuables, and declared her unwillingness to return. Thereafter, respondent-wife was implicated in criminal proceedings under FIR No.77/2023, leading to her arrest but was subsequently granted bail.

4. The appellant had filed petition under Section 13 of the Hindu



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Marriage Act before the Court of Principal Judge, Family Court, Sunam, which was later withdrawn by appellant because during pendency of said divorce proceedings, appellant discovered that respondent-wife had concealed a material fact that she had a subsisting marriage with one Manjit Singh, which was solemnized on 09.04.2016 i.e. at the time of their marriage on 05.11.2019, which rendered their union void under Section 5(1) of the Hindu Marriage Act. The first husband Manjit Singh of the respondent, had already filed divorce petition which was subsequently allowed on 08.03.2021. Therefore, the marriage, if any, between appellant and respondent on 05.11.2019 was null and void.

5. Learned counsel has vehemently argued that respondent-wife filed different cases just to harass appellant and transfer application was filed just with the sole intention to harass him and for adding undue hardship to ongoing misery. Learned Family Court has erroneously allowed the application, by completely disregarding facts of criminal antecedents of respondent, and fraud played by respondent by concealing subsistence of her first marriage. Moreover, as per knowledge of appellant, respondent is a habitual offender and has multiple criminal cases registered against her.

6. Heard learned counsel for the appellant at length and perused the record carefully.

7. Since, in the present appeal, exclusive challenge is only to order dated 12.09.2024, allowing the transfer-application filed by respondent-wife for transfer of the civil suit originally pending before the Court of Additional Principal Judge, Family Court at Sunam, to the Court



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of Additional Principal Judge, Family Court, Sangrur, we find it prudent to tread cautiously and abstain from rendering any findings on the substantive merits of the case. Although contentions raised by appellant have been considered, our scrutiny is restricted solely to determination of legality or otherwise of order dated 12.09.2024. Admittedly, there are multiple litigations between the parties, all of which are being pending adjudication in the Courts at Sangrur. Moreso, it is an admitted position that learned Presiding Officer of the Family Court at Sunam is the same as the Family Court at Sangrur, for the reason that former merely functions as a Camp Court, thus, rendering the transfer of civil suit inconsequential. Distance from Sunam to Sangrur is only 17.5 kms. hence, there is no apparent harassment to the appellant.

8. Appellant has woefully failed to demonstrate any substantial prejudice which has been caused to him by transfer of the case to Sangrur. In fact, centralizing the litigation at a single location aligns with the broader interest of judicial coherence and facilitates effective resolution between parties who are entangled in multifaceted disputes. Learned counsel for appellant, despite his earnest submissions, has been unable to unearth any material infirmity in the transfer order. Moreso, it is well-established principle of law that while considering plea of transfer, the Competent Courts are duty bound to take in account various factors, including the existence of several parallel proceedings between the parties, to ensure that justice is both dispensed and perceived to have been dispensed.

9. The Hon'ble Apex Court in the case of **N.C.V. Aishwarya**



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**versus A.S. Saravana Karthik Sha[2022 SCC OnLine SC 1199]** has observed as follows:

*“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife’s convenience which must be looked at while considering transfer.*

*10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions”*

10. In light of the facts and circumstances of the present case and the settled principle of law, we conclude that application for transfer was rightly allowed by Learned Family Court, ensuring procedural convenience and for avoiding multiplicity of proceedings. Learned Family Court appropriately considered the fact that multiple cases involving same parties



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are already pending in Sangrur, making consolidation practical and just. Furthermore, proximity between Sunam and Sangrur negates any significant inconvenience to appellant. Respondent's financial constraints and lack of maintenance were also validly considered, aligning with principle that matrimonial matters should prioritize convenience of wife unless compelling reasons dictate otherwise.

11. Hence, present appeal being devoid of any merit is dismissed as appellant fails to show any illegality and perversity in the well-reasoned judgment and decree dated 12.09.2024 passed by learned Principal Judge, Family Court, Sangrur.

12. Pending miscellaneous application(s) stand(s) disposed of, accordingly.

**(LISA GILL)**  
**JUDGE**

**(ALOK JAIN)**  
**JUDGE**

**January 16, 2025.**

*S.Sethi/ 'om'*

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No