



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

Sr. No.202

**TA-1029-2024 (O&M)
Date of Decision: 04.09.2025**

GAGANDEEP KAUR

....Applicant

Versus

RAJENDER KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Raj Kumar Chandna, Advocate
for the applicant.

Mr. Harbajan Singh Bajwa, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-12845-CII-2025

The present application has been filed at the behest of the respondent, for placing on record reply to the transfer application.

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

Main case

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/44/2024, titled '*Rajender Kumar Vs. Gagandeep Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Kharar, District SAS Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Ludhiana.

Upon notice, the respondent made appearance through counsel and filed reply in the form of affidavit of the respondent.



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Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 27.04.2022, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning and is dependent upon her parental family. She has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Ludhiana and the respondent is making appearance in the same. Besides the same, she has got lodged an FIR bearing No.65 dated 21.08.2024, under Sections 406 and 498-A IPC, at Women Police Station, Ludhiana, wherein challan has been presented in the Courts at Ludhiana and the respondent is facing trial in the said criminal case. The distance between the two places is stated to be about 98 kilometres.

On the other hand, counsel for the respondent, while making reference to the reply filed, submits that the applicant has thrust false litigation upon the respondent. She is only interested in the money of the respondent. In fact, the counsel has also cited three judgments passed in the matters of '*Ramrameshwari Devi and others Vs. Nirmala Devi and others*', *2011 AIR SCW 4000*, '*Main Pal and others Vs. State of Haryana and others*' *2009(5) RCR (Civil) 834* and '*Chiranji Lal and others Vs. Financial Commissioner Haryana and others*' *1978 P.L.R. 582*, to substantiate his plea of false litigation thrust upon him.

Firstly, it is pertinent to mention that even though, the aforesaid case law has been cited by the counsel for the respondent, but however, the same relates to initiation of false litigation and imposition of cost, on the



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basis thereof. Thus, the litigation being false, cannot be adjudicated by the transfer roster, while dealing with the transfer application. Also, vague allegations have been made with regard to the applicant, being after money of the respondent. However, there is no material brought forth, to so substantiate this version. Apart from the same, there is no material coming forth to substantiate the plea of litigation, being falsely thrust upon the respondent. In the given circumstances, the aforesaid case law, as such, cannot be taken into consideration, for the purpose of dealing with the transfer application.

In the given circumstances, it is pertinent to mention that while dealing with transfer application, various circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, although, there is no child born from the wedlock, but however, there are two cases, arising from this matrimonial dispute, which are already pending in the Courts at Ludhiana. The respondent is already pursuing the petition under Section 12 of the Protection of Women from Domestic Violence Act and he is also facing trial of the criminal case, in the Courts at Ludhiana. The applicant is not having any source of earning. The distance between the two places is stated to be about 98 kilometres.

Considering the aforesaid mitigating circumstances, more particularly, when the respondent is already making appearance in two cases, arising from this matrimonial dispute, in the Courts at Ludhiana, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/44/2024, titled '*Rajender Kumar Vs. Gagandeep Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Kharar, District SAS Nagar, to the Court of



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competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Kharar, to the District and Sessions Judge, Ludhiana.

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

04.09.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No