

TA-481-2024 (O&M) & CRM-M-22036-2024

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

Sr. No.118

Date of Decision: 22.05.2025

1.

TA-481-2024 (O&M)

GURPREET KAUR

....Applicant

Versus

GURPREET SINGH

....Respondent

2.

CRM-M-22036-2024

GURPREET KAUR AND ANR

....Petitioners

Versus

GURPREET SINGH

....Respondent

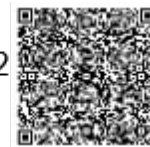
CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Davinder Singh, Advocate
for the applicant/petitioners (in both the cases).

Mr. Sarabjit Singh, Advocate
for the respondent (in both the cases).

ARCHANA PURI, J. (Oral)**CM-6854-CII-2024**

Keeping in view the averments made in the application, same is
allowed.



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Main cases

These are two cases, filed by Gurpreet Kaur-applicant/wife, for seeking transfer of the litigation, pending between the parties to the lis.

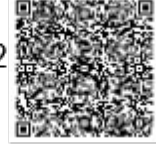
TA-481-2024 and CRM-M-22036-2024 have been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/166/2023, titled '*Gurpreet Kaur Vs. Gurpreet Singh*', as well as the petition under Section 125 Cr.P.C. i.e. MNT/45/2023, titled '*Gurpreet Kaur and another Vs. Gurpreet Singh*', respectively.

Both the aforesaid cases are pending in the Courts at Rampura Phul, District Bathinda and the applicant/petitioners seek transfer of the same to the Court of competent jurisdiction at Ludhiana.

Upon notice issued, the respondent made appearance through counsel and filed short replies in TA-481-2024. However, the counsel for the respondent has given a statement that the said reply be also considered in CRM-M-22036-2024.

The 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 26.11.2017. Two children were born from the said wedlock, son aged about 5½ years and daughter aged about 4½ years. The daughter born from the said wedlock is in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. The applicant, for the upbringing of her daughter, is staying at Ludhiana, which is at a distance of about 140 kilometres, from Rampura Phul, District Bathinda. The applicant



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is doing job of preparing food at village Chak Kalan, District Ludhiana, in order to earn her livelihood. The respondent is an addicted person and even an FIR bearing No.106 dated 22.05.2017, under Section 354 IPC, has been got registered against him, at Police Station Civil Lines, Patiala.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the parties are residing separate, solely on account of bad conduct of the applicant. In fact, the applicant had left the company of the respondent and started residing with Nirmal Singh, at Ludhiana. Since, she is living in an adulterous relationship, she should not be given the benefit of transfer of the litigation.

In view of the submissions aforesaid, at the very outset, it be noted that generally, the Courts lean towards the convenience of the wife, while dealing with the transfer applications relating to the matrimonial disputes, but however, the same is not a thumb rule. Various other circumstances, coming forth have to be considered. However, there is no straight-jacket formula, for deciding the transfer applications. Each application has to be decided in its own factual background. One differential fact may differ the decision of the transfer application, be it filed by husband or wife. In the case in hand, though there are allegations of adulterous relationship, at the behest of the respondent, but however, these are mere assertions. No concrete material is coming on record about the applicant to be living in adultery.

In view of the aforesaid fact situation and considering the fact of the applicant having custody of the minor daughter, who required care of the mother, for most of the time and also taking into consideration the



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distance between the two places, both the transfer applications are allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/166/2023, titled '*Gurpreet Kaur Vs. Gurpreet Singh*' and the petition under Section 125 Cr.P.C. i.e. MNT/45/2023, titled '*Gurpreet Kaur and another Vs. Gurpreet Singh*', stands transferred from the Family Court Rampura Phul, District Bathinda, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid cases be sent by the Family Court (Camp Court) Rampura Phul, to the District and Sessions Judge, Ludhiana.

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

The Court concerned shall adjourn both the cases, preferably for one and same date.

22.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No