



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

Sr. No.204

TA-862-2024

Date of Decision: 09.07.2025

HARPREET KAUR

...Applicant

Versus

RAMINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.S. Brar, Advocate
for the applicant.

Mr. Vinay Kashyap, Advocate
for the respondent.

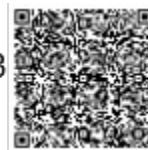
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/5/2024, titled '*Raminder Singh Vs. Harpreet Kaur*', filed by the respondent-husband, pending in the Family Court (Camp Court) Nihal Singh Wala, District Moga and she seeks transfer of the same to the Court of competent jurisdiction at Faridkot.

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

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 18.01.2014. One daughter was born from the said wedlock, is about 11 years old at present. On account of the matrimonial dispute, the parties are residing separate. Further, it is submitted that initially, the girl child was in



TA-862-2024

the care and custody of the applicant, but however, she was forcibly taken away by the respondent on 02.01.2024 and as a result thereof, the applicant had filed the guardianship petition i.e. GW/20/2024, to seek custody of the child. Copy of the said petition is Annexure P-2. Besides the same, it is submitted that the applicant has no source of earning and is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/50/2024 and the complaint under the Protection of Women from Domestic Violence Act i.e. COMA/32/2024, which are pending in the Courts at Faridkot. The respondent is making appearance in all the aforesaid three cases.

In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 75 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent while making reference to the reply, submits that the respondent is an Army personnel. Further it is submitted that the applicant has suppressed the material facts and falsely asserted about forcibly taking away of the girl child. In fact, it is submitted that the guardian petition has been filed on the false assertions and all the three litigations, initiated by the applicant, are just a counter-blast to the divorce petition, which was filed by the respondent earlier in time. Also, the distance between the two places is alleged to be 75 kilometres, though, it is just 58 kilometres.

In view of the 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. However, it may not be a thumb rule, but in any case, various circumstances coming forth



TA-862-2024

from the material brought on record, ought to be taken into consideration and some balancing of the convenience/inconvenience ought to be done. In the case in hand, the minor daughter born from the wedlock of the parties, was initially stated to be in the custody of the applicant and was allegedly forcibly taken away by the respondent, as a result whereof, guardianship petition was filed. Though, it is now submitted that this is a false assertion made, but however, this is a matter to be adjudicated on merits in the guardian petition and this Court, as such, is consciously not making reference to the version, so put forth. But anyhow, the fact remains that three cases; guardianship petition, maintenance petition and the petition under the Protection of Women from Domestic Violence Act, are pending in the Courts at Faridkot, which are pursued by the respondent.

On query by the Court, it has been disclosed by the counsel for the respondent that the minor daughter, is residing with the parents of the respondent, at Nihal Singh Wala. The applicant is not having any source of earning.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/5/2024, titled '*Raminder Singh Vs. Harpreet Kaur*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Nihal Singh Wala, District Moga, to the Court of competent jurisdiction at Faridkot. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Nihal Singh Wala, to the District and Sessions Judge, Faridkot.

Learned District and Sessions Judge, Faridkot, shall assign the said petition to the Court, where the cases between the parties to the lis,



arising from the matrimonial dispute, are already pending. The Court concerned shall make an endeavour to adjourn all the cases, for one and the same date. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

Also, the respondent always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

09.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No