



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

Sr. No.104+210

**TA-624-2024 (O&M)
Date of Decision: 24.07.2025**

GURLEEN KAUR

....Applicant

Versus

GURJINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Manpreet Singh, Advocate
for the applicant.

Mr. Amit Dhawan, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

CM-12101-CII-2025

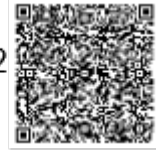
The present application has been filed at the behest of the respondent, for placing on record the reply to the transfer application.

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. DMC/590/2024, titled '*Gurjinder Singh Vs. Gurleen Kaur*', filed by the respondent-husband through his father, who is the attorney-holder. The said petition is pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

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



TA-624-2024 (O&M)

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 28.11.2022. However, on account of the matrimonial dispute, the parties are residing separate. One son born from the said wedlock, who is about 2 years old, is in the care and custody of the applicant. On account of the matrimonial dispute, the applicant had got lodged an FIR bearing No.65 dated 27.04.2024, under Sections 406, 498-A and 506 IPC, at Police Station Bullowal, District Hoshiarpur, which is pending investigation. It is submitted that arrest of the respondent could not be effected, on account of his residing in USA. The applicant has also filed the petition under the Protection of Women from Domestic Violence Act, which is pending in the Courts at Hoshiarpur, wherein the respondent has yet not made appearance. His parents, who are arrayed as accused, have made appearance in the said case.

Besides the aforesaid, it is also submitted that the applicant is not having any source of earning and she along with her minor son, is dependent upon her parental family. She has filed the petition under Section 125 Cr.P.C., which is also pending in the Courts at Hoshiarpur and still the presence of the respondent has not been procured and the case is still at appearance stage.

In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 55 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply, has submitted that even though, the respondent is a



TA-624-2024 (O&M)

resident of USA, but the litigation has been initiated at his instance through his father being attorney-holder, who is looking after the entire litigation. It is submitted that the father of the respondent is suffering from cancer and as such, cannot travel from Jalandhar to Hoshiarpur, to pursue the litigation. Looking at his condition, it is submitted that the transfer application be not allowed.

In view of the rival submissions aforesaid, it is pertinent to mention that, generally the Courts lean towards the convenience of the wife, while considering the transfer applications relating to the matrimonial dispute, though, it may not be a thumb rule. However, various other circumstances spelt out from the material brought on record, also ought to be taken into consideration and thereupon, some balancing of convenience/inconvenience of the parties, has to be done. In the case in hand, the respondent himself is residing in USA and there is various litigation arising from this matrimonial dispute. The proceedings in the FIR case, as well as the Protection of Women from Domestic Violence Act and the petition under Section 125 Cr.P.C., are not making any progress, solely on account of service of the respondent, having not been effected, being resident of USA. The applicant is not having any source of earning and she is also taking care of the son born from the wedlock of the parties, who is about 2 years old. No doubt, as pointed out by the counsel for the respondent, the father of the respondent is suffering from cancer, as evident from the document, Annexure R-1, but however, this ailment is not sufficient to deny the right of seeking transfer of the divorce petition, to the applicant. The very fact of the applicant not having any source of earning and taking care of the minor child, is a weighing factor. Besides the same,



TA-624-2024 (O&M)

the entire litigation initiated at the instance of the applicant is also put at halt, solely on account of the respondent not making appearance in the Courts.

In view of the aforesaid fact situation, it is just and expedient to accept the transfer application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/590/2024, titled '*Gurjinder Singh Vs. Gurleen Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Hoshiarpur. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, Hoshiarpur.

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

However, considering the ailment of attorney holder of the respondent, always there is an option open to the respondent 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.

24.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No