



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

106

TA-852-2024(O&M)

Date of Decision: September 02, 2025

Sukhpreet Kaur

...Applicant

Versus

Dalvinder Singh alias Dalwinder Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Paras Jagga, Advocate
for the applicant.

Mr.Avijit Singh, Advocate for
Mr.Rahul Bhargava, Advocate
for the respondent.

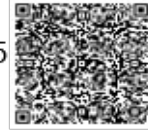
ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-252-2023, titled 'Dalvinder Singh vs. Sukhpreet Kaur', pending in the Family Court, SAS Nagar, Mohali and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

In pursuance of the notice issued, the respondent made appearance through counsel and filed the reply.

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the

**TA-852-2024****-2-**

applicant that marriage between the parties had taken place on 18.10.2013, but no child was born from the said wedlock. However, on account of matrimonial dispute, the parties are residing separate. The applicant is residing in Patiala. She is not having any source of earning. Even, the applicant has also filed petition under Section 9 of the Hindu Marriage Act, which is already pending in the Courts at Patiala. The distance between the two places is stated to be 55 Kms.

On the other hand, learned counsel for the respondent, while making reference to the reply submits that the petition under Section 9 of the Hindu Marriage Act was filed after the filing of the divorce petition, at the behest of the respondent. The respondent is working as Assistant Sub Inspector in CRPF and therefore, it shall be too harsh for him also to make appearance in the divorce petition, if so transferred.

In view of the rival submissions aforesaid, it is pertinent to mention that, generally, the Courts lean towards the convenience of wife, while considering the transfer application, relating to the matrimonial dispute. Though, the same is not a thumb rule, but various other circumstances, as splot out, ought to be taken into consideration. In the case in hand, there is no child born from the marriage of the parties to the lis. However, the applicant is staying at her parental place at Patiala. She is not having any source of earning, whereas, on the other hand, the respondent is working as ASI in CRPF. On query by the Court, counsel for the respondent was unable to state about the present place of posting of the respondent.



TA-852-2024

-3-

In any case, the litigation pending between the parties is of civil nature, which shall not require presence of the parties, on each and every date of hearing.

Considering the various circumstances, as spelt out, it is just and expedient to accept the transfer application. As such, the present transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act, filed by respondent-husband, bearing No.HMA-252-2023, titled 'Dalvinder Singh vs. Sukhpreet Kaur', stands transferred from the Family Court, SAS Nagar, Mohali, to the Court of competent jurisdiction at District Patiala. The requisite record of the aforesaid case be sent by the Family Court, SAS Nagar, Mohali to the District and Sessions Judge, Patiala.

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

September 02, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No