



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

Sr. No.233

TA-428-2024

Date of Decision: 17.09.2025

NIRMALJEET KAUR

....Applicant

Versus

GURJANT SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Madhup Munjal, Advocate
for the applicant.

Mr. Rahi Mehra, Advocate
for respondent No.1 (sole contesting 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/401/2023, titled '*Gurjant Singh Vs.Nirmaljeet Kaur and another*', filed by the respondent-husband, pending in the Family Court, Tarn Taran and she seeks transfer of the same to the Court of competent jurisdiction at Ferozepur.

In pursuance of notice issued, respondent No.1, who is the sole contesting respondent, made appearance through counsel and filed reply.

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 02.02.2023, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant had filed the civil suit i.e. CS/1772/2023,



against respondent No.1. Even, she has filed the divorce petition, which is pending in the Courts at Ferozepur. Though, in the application, it is mentioned that the applicant is residing with her old-aged parents, but however, she is stated to be residing at Ferozepur.

On query by this Court, it is submitted by the counsel for the applicant that the applicant is not doing any work and reason for residing at Ferozepur is stated that her parents are not inclined to keep her in village Patti and as such, she is residing with his friend Gursewak Singh at Ferozepur.

On the other hand, counsel for respondent No.1, while making reference to the reply, submits that the applicant has concealed the material facts. In fact, she is having a love affair with Gursewak Singh, who has also been impleaded as proforma respondent No.2 in the present application. It is only on account of illicit relationship of the applicant, that the dispute arose between the parties. Also, the counsel submits that the complaint was filed at the instance of respondent No.1, before the police authorities and the statement of Ranjit Kaur, wife of Nirvail Singh, who is mother of the applicant, was recorded, wherein she has specifically stated that her daughter had fled away with one Gursewak Singh, son of Balkar Singh and she had not returned, till the date of recording of the said statement. In the given circumstances, it is submitted that even though, the applicant has filed the divorce petition, but the divorce petition filed by the respondent-husband is much earlier in time.

Even though, time and again, the Courts give preference to the convenience of wife, while adjudicating on the transfer application relating to the matrimonial dispute, but however, the same is not a thumb rule.



Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, the applicant is staying away from her parental family at Ferozepur. However, her parents are disclosed to be residing at Patti, which is at a distance of about 100 kilometres from Patti.

On query by this Court, counsel for the applicant has disclosed that the applicant is not doing anything and no specific reason has been assigned about her living away from family. Also, the counsel for the applicant has disclosed that the applicant is residing with her friend-Gursewak Singh, who is also impleaded as proforma respondent No.2 in the present application. The said circumstances are sufficient enough, to be taken into consideration. If nothing else without prejudice to the assertions made by the respondent, it is enough to father that the applicant is a confident woman, who can take care of the litigation, even if it remains pending at Tarn Taran.

Considering the aforesaid circumstances, apparently no inconvenience is bound to be faced by the applicant, while pursuing the litigation. As such, no case is made out to transfer the divorce petition.

Hence, the transfer application is hereby dismissed.

17.09.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No