



TA-644-2024 (O&M)

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

Sr. No.239

TA-644-2024 (O&M)
Date of Decision: 20.08.2025

AMANDEEP KAUR

...Applicant

Versus

GURPREET SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Navneet Kumar, Advocate
for the applicant.

Ms. Rajwinder Kaur Sohal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)**CM-18999-CII-2024**

The present application has been filed for placing on record the medical record, as well as invoices and bank account passbook, as Annexures P-4, P-5 and P-6, respectively.

In view of the averments made in the application, same is allowed and the requisite documents are 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/132/2024, titled '*Gurpreet Singh Vs. Amandeep Kaur*', filed by the



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respondent-husband, pending in the Family Court, Fatehgarh Sahib and she seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar.

Upon notice, the 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 01.07.2018. Two sons born from the said wedlock, who are in the age group of 2-5 years, are in the care and custody of the applicant. On account of the matrimonial dispute, the parties are residing separate. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 42 kilometres, from her place of residence, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the distance is not more than 30 kilometres. Further, it is submitted that in the month of November, 2024 (though in the reply, it is mentioned as November, 2023), the respondent had met with an accident and he had sustained extensive injuries and he had undergone head surgery. The counsel makes reference to the medical record, annexed with the reply, as well as, discharge summary, copy whereof is Annexure R-1 and submits that the condition of the respondent remained very precarious and he had undergone 'Craniotomy'. On account of this condition, he is not in a position to travel. Also, the counsel submits that at present, though the respondent has been discharged from the hospital, but



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however, he is barely able to walk and he is not in a position, even to communicate in a clear manner. On account of these circumstances, it is submitted that it shall be too harsh for the respondent also, to pursue the divorce petition, if so transferred.

In view of the submissions aforesaid, the counsel for the applicant also submitted that the applicant was healthy, at the time of filing of the divorce petition. Hence, it is falsely submitted that he is having various medical issues.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration and thereupon, balancing of the convenience/inconvenience of both the sides, has to be made by the Courts. There are several factors, which are to be considered, while adjudicating upon the transfer application. Most important is about the financial viability of both the spouses, as well as fact of the children residing with either parent. Taking the same into consideration, also the distance between the two places, where the case is pending and where it is sought to be transferred, as well as, health issues of both the spouses, ought to be taken care of. Each case has to be decided on its own parametres. One distinctive detail may change the decision of the transfer application.

Now, advertng to the case in hand, it is pertinent to mention that the applicant had suffered extensive injuries, on account of the accident.



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He remained admitted in PGI and had also undergone brain surgery, which is so evident from the discharge and follow up card of PGI, as well as discharge summary, with regard to his different admissions in hospitals and from the photographs, coming on record. Even, two children born from the wedlock, are in the care and custody of the applicant.

A query was put to the counsel for the applicant, about the family members of the applicant and he has stated that aged parents of the applicant are also living with her. May it be so. However, weighing the various circumstances of both the sides, it is pertinent to mention that though, the applicant is taking care of two minor children, but however, still she is in a better position to pursue the litigation, pending between the parties at Fatehgarh Sahib, more particularly, considering the distance between the placea, where the divorce petition is pending and where it is sought to be transferred. Also, there is good road connectivity between the two stations.

In view of the aforesaid fact situation, no case is made out to transfer the divorce petition.

Hence, the transfer application is hereby dismissed.

20.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No