



TA-975-2024; TA-1009-2024 AND TA-984-2024

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

Sr. No.112 (2 cases)+113

Date of Decision: 26.08.2025

1.

TA-975-2024

NAVJOT KAUR

....Applicant

Versus

AMANDEEP SINGH

.....Respondent

2.

TA-1009-2024

NAVJOT KAUR

....Applicant

Versus

AMANDEEP SINGH

.....Respondent

3.

TA-984-2024

NAVJOT KAUR

....Applicant

Versus

GURWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Amandeep Kaur, Advocate
for the applicant (in all the cases).



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Mr. Mayur Karkra, Advocate
for the respondent(s) (in all the cases).

ARCHANA PURI, J. (Oral)

These are three applications filed at the instance of the applicant-Navjot Kaur, for seeking transfer of the litigation, pending between the parties to the lis.

TA-975-2024 has been filed by the applicant for seeking transfer of the civil suit i.e. CS/1080/2019, titled '*Amandeep Singh Vs. Navjot Kaur*', filed by the respondent (brother-in-law of the applicant).

TA-1009-2024 has been filed by the applicant for seeking transfer of the civil suit i.e. CS/2432/2022, titled '*Amandeep Singh Vs. Navjot Kaur*', filed by the respondent (brother-in-law of the applicant).

TA-984-2024 has been filed by the applicant for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1709/2019, titled '*Gurwinder Singh Vs. Navjot Kaur*', filed by the respondent (husband of the applicant).

All the aforesaid cases are pending in the Courts at Patiala and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Payal, District Ludhiana.

In pursuance of the notice issued, respondent(s) made appearance through counsel and filed replies in TA-975-2024 and TA-1009-2024, which are taken on record. However, reply has not been specifically filed in TA-984-2024. At this stage, counsel for the respondent has given a



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statement that reply already filed the aforesaid cases be considered as reply in TA-984-2024 also.

Counsel for the parties heard.

For the convenience of discussion, the facts, as well as the parties, shall be referred, as pleaded in TA-984-2024.

At the very outset, it is submitted by the counsel for the applicant that marriage of the applicant was performed with Gurwinder Singh, on 11.03.2016, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The respondent has shifted to Melbourne, Australia and the divorce petition has been filed by him, through Amandeep Singh, who is his elder brother, being attorney-holder. The applicant is stated to be not having any source of earning and as such, is dependent upon her parental family. She has filed two cases, on account of this matrimonial dispute i.e. the petition under Section 125 Cr.P.C. and the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Payal. The respondent has made appearance in the maintenance petition, through his attorney-holder and till date, no maintenance has been fixed by learned Family Court. However, in the petition under the Protection of Women from Domestic Violence Act, the respondent and his other family members, who have been arrayed as respondents, have not made appearance and they have been proceeded against *ex parte*. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 70 kilometres, to defend the litigation, filed at the instance of the respondent(s).



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On the other hand, counsel for the respondent, while making reference to the replies filed in two transfer applications, submits that the applicant is already making appearance in two civil suits since the year 2019 and she has engaged the counsel and the said cases are pending for plaintiff evidence. In the given circumstances, there is no necessity to transfer the civil suits. Even, the applicant is making appearance in the divorce petition and pursuing the same by engaging the counsel. Also, it is submitted that the proceedings are of civil nature and therefore, the presence of the applicant is not required, on each and every date of hearing.

Also, counsel for the respondent-husband, who is also representing Amandeep Singh in TA-975-2024 and TA-1009-2024, submits that Amandeep Singh is having a small child and he has to take care of him. It shall be difficult for him also, to pursue the cases, in case the transfer applications are accepted.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts give preference to the convenience of wife, in case of 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, ought to be taken into consideration. Each case has to be decided in its own background and no cast iron formula can be adopted, for deciding the transfer applications, more particularly, relating to the matrimonial dispute. There are various factors, which ought to be taken into consideration, such like, financial affluence of the parties concerned, capacity of the parties to reside separate without having any source of earning, the distance between the two places, where the case is pending and



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where it is sought to be transferred, number of children from the wedlock and which spouse is taking care of the child (if any), etc. etc. In the case in hand, the husband of the applicant, namely, Gurwinder Singh, is residing abroad and he is pursuing the litigation, relating to this matrimonial dispute, through his brother-Amandeep Singh, who is his attorney-holder. So far as divorce petition is concerned, the convenience of the attorney-holder is not to be taken into consideration, when the husband himself is residing abroad and the wife is not having any source of earning. With regard to the civil suits for damages, filed by Amandeep Singh, brother of the husband of the applicant, it is pertinent to mention that while comparing the convenience of either party, convenience of the applicant, who is a woman, ought to be taken into consideration, as these civil suits are also an offshoot of the matrimonial dispute, more particularly, when Amandeep Singh, himself is attorney-holder of Gurwinder Singh and pursuing the litigation at the behest of his brother, who is residing abroad. Two other cases, arising from the matrimonial dispute i.e. the petition under Section 125 Cr.P.C. and the petition under the Protection of Women from Domestic Violence Act, are already pending in the Courts at Payal, District Ludhiana.

In view of the aforesaid fact situation, the transfer applications i.e. TA-975-2024, TA-1009-2024 and TA-984-2024 are hereby allowed and the civil suit i.e. CS/1080/2019, titled '*Amandeep Singh Vs. Navjot Kaur*', civil suit i.e. CS/2432/2022, titled '*Amandeep Singh Vs. Navjot Kaur*' and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/1709/2019, titled '*Gurwinder Singh Vs. Navjot Kaur*', stand transferred from the Courts at Patiala, to the Court of competent jurisdiction



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at Payal, District Ludhiana. The requisite record of the aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Ludhiana.

Learned District and Sessions Judge, Ludhiana, shall assign the said petition to the Court of competent jurisdiction at Payal. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

26.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No