



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

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TA-1120-2023(O&M)

Date of Decision: August 04, 2025

Kirandeep Kaur

...Applicant

Versus

Gurbeer Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.G.S.Bhasin, Advocate
for the applicant.

Mr.Lajwant Singh Virk and Ms.Gurleen Kaur, Advocates
for the respondent.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 25 of the Guardian and Wards Act, filed by respondent-husband bearing No.GW-13-2023, titled 'Gurbeer Singh vs. Kirandeep Kaur', pending in the Family Court, Malout and she seeks transfer of the same to the Court of competent jurisdiction in nearby District.

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

Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on 17.07.2008 and two children were born from the said wedlock, who are

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residing with the applicant. However, on account of matrimonial dispute, the parties are residing separate and have indulged in various rounds of litigation.

It is also submitted that the Guardian and Wards Act petition is still at the stage of appearance, when the transfer application was filed. Various other litigation were already pending in the Courts at Malout. A lot of hurdles were faced by the applicant as widow sister-in-law of the respondent-husband is an Advocate, namely, Sukhdeep Kaur, practising at Malout. On account of her influence, the applicant-wife is unable for engaging a counsel, who could assist in her cases. It is submitted that since the year 2012, when the litigation was initiated, the applicant engaged 5-6 lawyers, but however, for one reason or the other, they do not assist the applicant, as a result of the same, she is facing lot of difficulty in pursuing the litigation, which is pending in the Courts at Malout.

Also, it is submitted that petition under Section 127 Cr.P.C. bearing No.MNT-82-2023 was also filed by the applicant and the said application was transferred from Malout to Family Court, Bathinda, on the basis of the criminal misc. petition filed by the applicant.

On the other hand, learned counsel for the respondent, while making reference to the reply submits that no justifiable reason is coming forth, for seeking transfer of the Guardian and Wards Act petition. It is further submitted that the applicant is having affluent background and as such, she is in a position to pursue the litigation. Though, it is admitted that sister-in-law of the respondent is a practising Advocate, but this fact, as

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such, does not make out a ground for transfer of the case, when it is not established about exercise of any influence on her part.

Rather, while making reference to the documents annexed with the reply, it is submitted that in fact, it is the bad conduct of the applicant herself that the criminal case under Sections 498-A and 328 IPC was decided against her. Further, it is submitted that the divorce petition filed by the applicant was also dismissed vide judgment dated 19.01.2016, copy whereof is Annexure R-3.

In view of the rival submissions aforesaid, it is pertinent to mention that the Courts generally give weightage to the convenience of the wife, in case of matrimonial dispute, but however, the same is not a thumb rule. Various other circumstances, coming forth, also ought to be taken into consideration and thereupon, the Courts are required to do some balancing of the convenience/inconvenience of the parties.

The power to deal with the transfer applications is discretionary power, which the Courts exercise, while taking into consideration various circumstances, coming forth. Apart from considering the financial status of the parties and the custody of the children as well as the capacity to take care of the children and so on and so forth, there are other reasons also and one of the most important reason is about the apprehension, on the part of the litigant that he/she will not get justice from the Courts.

Undisputedly, the sister-in-law of the respondent-husband is an Advocate, practising at Malout. This fact itself, may not be a reason as such and it cannot be concluded that there is exercise of influence, at the instance



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of sister-in-law, in the litigation pending between the parties, but however, there is apprehension, on the part of the applicant about the exercise of influence, on account of lawyers not rendering proper assistance to her, while pursuing the litigation pending in the Courts at Malout. One of the litigation earlier pending between the parties i.e. under Section 127 Cr.P.C. bearing No.MNT-82-2023 has already been transferred by the Coordinate Bench, in the decision rendered in CRM-M-49321-2023, decided on 10.09.2024.

Considering the aforesaid fact situation and in fitness of the circumstances, it is just and expedient to accept the transfer application. As such, the present transfer application is hereby allowed and the petition under Section 25 of the Guardian and Wards Act, filed by respondent-husband bearing No.GW-13-2023, titled 'Gurbeer Singh vs. Kirandeep Kaur', stands transferred from the Family Court, Malout, to the Court of competent jurisdiction at District Bathinda. The requisite record of the aforesaid case be sent by the Family Court, Malout to the District and Sessions Judge, Bathinda.

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

August 04, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No