



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209

TA-150-2026

Date of Decision: 14.05.2026

Sumanpreet Kaur

.... Petitioner

Versus

Gurpiar Singh

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Munish Garg, Advocate for the petitioner.

Mr. Aayush Goyal, Advocate for the respondent.

NIDHI GUPTA, J. (ORAL)

1. By way of filing the present petition, the petitioner-wife is seeking transfer of petition filed by respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (for short-‘the Act’) bearing No. DMC/0001379/2025 dated 13.10.2025 (Annexure P-3) titled as ‘Gurpiar vs. Sumanpreet Kaur’ pending before the learned Family Court, Bathinda to a Court of competent jurisdiction at Barnala.

2. Learned counsel for the petitioner, *inter alia*, submits as under:

- i) The parties solemnized marriage on 17.01.2022 by way of Anand Karj according to Sikh Rites.
- ii) One son was born out of the said wedlock on 16.02.2024, who is presently in the care and custody of the petitioner-mother.
- iii) that due to matrimonial discord the parties are living separately since 21.08.2025.



- iv) There are 02 cases filed by the petitioner-wife which are pending adjudication at District Courts Barnala which are as under:-
 - (a) Petition under Section 12 of the the Protection of Women from Domestic Violence Act, 2005 bearing No. DV/54/2025 (Annexure P-1) titled as 'Sumanpreet Kaur vs. Gurpiar' pending before the learned Judicial Magistrate Ist Class, Barnala;
 - (b) Petition under Section 144 of BNNS, 2023 (125 Cr.P.C.) bearing No. MNT/125/165/2025 (Annexure P-2) titled as 'Sumanpreet Kaur and another vs. Gurpiar' pending before the learned Family Court, Barnala.
- vi) The distance between the place of residence of the petitioner at Barnala and place of proceedings at Bathinda is about 65 kilometers on one side. As such, it is difficult for her to undertake frequent travel for the case from Barnala to Bathinda along with minor child.
- vii) The petitioner jobless and has no source of income so she is dependent upon her relatives as the respondent is not paying anything towards maintenance.

3. It is accordingly, prayed that the present petition may be allowed and petition bearing No. DMC/0001379/2025 dated 13.10.2025 (Annexure P-3) be transferred from the learned Family Court, Bathinda to a Court of competent jurisdiction at Barnala.



4. *Per Contra*, learned counsel for the respondent vehemently opposes the submissions advanced by learned counsel for the petitioner and submits that the distance between Bathinda to Barnala is only 65 kilometers. Moreover, the petitioner has wrongly stated that she is jobless. In support, learned counsel for petitioner refers to page Nos. 8 and 9 of the reply submitted by the respondent to demonstrate that the petitioner is running a Boutique. It is, therefore, submitted that petitioner is working and the distance is short. As such, learned counsel for the respondent prays for dismissal of the present petition.

5. No other argument has been made on behalf of the parties. I have heard learned counsel for the parties and carefully gone through the case file. I find no merit in the submissions advanced on behalf of the respondent.

6. Besides the facts as noticed hereinabove in para 2, which constitute sufficient grounds for transfer, the legal position in such like cases is well established. In this regard, judgment of the Hon'ble Supreme Court rendered in **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha,** **2022 Live Law (SC) 627**, is notable, wherein the Hon'ble Supreme Court has held as under:-

“9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the



Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

7. Further reliance can be placed upon the judgments in **Sumita Singh vs Kumar Sanjay, 2002 SC 396** and **Rajani Kishor Pardeshivs Kishor Babulal Pardeshi, 2005(12) SCC 237**, wherein the Hon’ble Supreme Court has observed that “*while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.”*

8. Even this Court in number of cases has followed the aforesaid principle of law. Accordingly, it is well settled that while considering the transfer of a matrimonial dispute/case, at the instance of the wife, the Court is to consider the family condition of the wife, the custody of the minor child, economic condition of the wife, her physical health and earning capacity of the husband and most important the convenience of the wife i.e. she cannot travel alone without assistance of a male member of her family, connectivity of the place to and fro from her place of residence as well as bearing of the litigation charges and travelling expenses.



9. In view of the judgments i.e. **Sumita Singh's** case (supra), **Rajani Kishor Pardeshi's** case (supra) and **N.C.V. Aishwarya's** case (supra) passed by the Hon'ble Supreme Court, this Court deems it appropriate to allow the present petition, subject to the following conditions:-

- a) The petition bearing No. DCM/0001379/2025 dated 13.10.2025 (Annexure P-3) titled as 'Gurpiar vs. Sumanpreet Kaur', filed by respondent-husband pending before the learned Family Court, Bathinda is transferred to a Court of competent jurisdiction i.e. learned Family Court at Barnala.
- b) The learned District Judge, Bathinda is directed to transfer complete record pertaining to the aforesaid case to District Judge, Barnala.
- c) The parties are directed to appear before the District Judge, Barnala on **16.06.2026**.
- d) The District Judge, Barnala will assign the said petition to the Court of competent jurisdiction.

10. The concerned Court at Barnala will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

11. The Court concerned, where the litigation is pending between the parties, will accommodate them with one date in one calendar month.



12. I am supported by the decisions rendered by a Co-ordinate Bench of this Court in **TA No. 1315/2022, Rohini Arora v Nitin Talwar**; **TA No. 1322 of 2022, Jaswinder Kaur v Gurvinderjeet Singh**; and **TA No. 1323 of 2022, Usha Rani v Karmajit Singh**.

13. The present petition stands **disposed of**, in the above terms.

14. Pending application(s), if any, shall also stand disposed of.

14.05.2026
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No