



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**230**

TA-161-2026

Date of Decision: 14.05.2026

Kulwinder Kaur

....Petitioner

Versus

Hargopal Singh

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Vivek K. Thakur, Advocate for the petitioner.

**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 13 of the Hindu Marriage Act, 1955 (for short-‘the Act’) bearing No. HMA/217/2025 dated 08.09.2025 (Annexure P-4) titled as ‘Hargopal Singh vs. Kulwinder Kaur’ pending before the learned Family Court, Camp Court, Dasuya to a Court of competent jurisdiction at Bholath, Sessions Division, Kapurthala.

2. Learned counsel for the petitioner, *inter alia*, submits that:-

- i) The parties were married on 13.12.2024 as per Sikh Rites and Ceremonies.
- ii) Two children i.e. one son (born on 17.06.2016) and one daughter (born on 18.05.2018) were born out of the said wedlock; and presently they both are in the care and custody of the petitioner-mother.
- iii) Due to matrimonial discord the parties are living separately since 07.08.2025.



- iv) The petitioner has no source of income. As such she is unable to maintain herself and the minor children.
- v) One case filed by the petitioner under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-5) is pending adjudication before the learned Judicial Magistrate Ist Class, Bholath, Sessions Division, Kapurthala.
- vi) The distance between the place of residence of the petitioner at Village Nadala, Tehsil Bholath, District Kapurthala and place of proceedings at Dasuya, District Hoshiarpur is about 70 kilometers on one side. As such, it is difficult for her to undertake frequent travel for the case from Village Nadala, Tehsil Bholath, District Kapurthala to Dasuya along with minor children.

3. Learned counsel submits that the petition bearing No. HMA/217/2025 dated 08.09.2025 (Annexure P-4) filed by the respondent-husband deserves to be transferred from the learned Family Court, Camp Court, Dasuya to Court of competent jurisdiction at Sessions Division, Kapurthala as, the petitioner is single handedly taking care of the minor children. Moreover, the respondent has filed the said petition (Annexure P-4) through his Special Power of Attorney Holder who is his sister as, he himself is residing in Portugal as is mentioned in the memo of parties of petition (Annexure P-4). Further, learned counsel for the petitioner refers to MLR (Annexure P-3) wherein it is shown that



the respondent has physically assaulted the petitioner. It is accordingly, prayed that the present petition may be allowed.

4. Ms. Kirandeep Kaur, Advocate, has put in appearance on behalf of the respondent-husband and submits Memo of Appearance in Court, which is taken on record. Learned counsel for the respondent is unable to dispute the aforesaid submissions of learned counsel for the petitioner.

5. No other argument has been made on behalf of the parties. I have heard learned counsel and carefully gone through the case file. In view of the undisputed facts as noted above, I find merit in the submissions advanced on behalf of the petitioner.

6. Besides the facts as noticed hereinabove, 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 filed by the respondent-husband bearing No. HMA/217/2025 dated 08.09.2025 (Annexure P-4) titled as 'Hargopal Singh vs. Kulwinder Kaur' pending before the learned Family Court, Camp Court, Dasuya is transferred to a Court of competent jurisdiction at Sessions Division, Kapurthala.
- b) The learned District Judge, Hoshiarpur is directed to transfer complete record pertaining to the aforesaid case to District Judge, Kapurthala.
- c) The parties are directed to appear before the District Judge, Kapurthala on **16.06.2026**.
- d) The District Judge, Kapurthala will assign the said petition to the Court of competent jurisdiction.

10. The concerned Court at Kapurthala 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**  
*rishu*

**( NIDHI GUPTA )**  
**JUDGE**

**Whether speaking/reasoned    Yes/No**

**Whether Reportable                Yes/No**