



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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TA-183-2026 (O&M)

Date of Decision: 14.05.2026

Harpreet Kaur

....Petitioner

Versus

Gursewak Singh

... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. KPS Dhaliwal and Mr. Abhishek Sharma, Advocates
for the respondent-husband.

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’) for Restitution of Conjugal Rights (Annexure P-2) titled as ‘Gursewak Singh vs. Harpreet Kaur’ pending before the learned Family Court, Tarn Taran to a Court of competent jurisdiction at Gurdaspur.

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

- i) The parties were married on 27.11.2022 as per Sikh Rites and Ceremonies.
- ii) One son was born out of the said wedlock who is presently in the care and custody of the petitioner-mother.
- iii) Due to matrimonial discord the parties are living separately since April, 2024.



- iv) The petitioner has no source of income. As such she is unable to maintain herself and the minor child.
- v) One case filed by the petitioner under the provisions of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-1) is pending adjudication before the learned Judicial Magistrate Ist Class, Gurdaspur.
- vi) The distance between the place of residence of the petitioner at Gurdaspur and place of proceedings at Tarn Taran is about 95 kilometers on one side. As such, it is difficult for her to undertake frequent travel for the case from Gurdaspur to Tarn Taran along with minor child.
- vii) The petition (Annexure P-2) filed by the respondent-husband under Section 9 of the Act deserves to be transferred from the learned Family Court, Tarn Taran to Family Court, Gurdaspur as, the petitioner is single handedly taking care of the minor child. Moreover, the respondent has filed the said petition (Annexure P-2) through his Power of Attorney Holder who is his father as, he himself had deserted the petitioner and gone to Portugal on 01.03.2023

3. It is accordingly prayed that the present petition may be allowed.



4. 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 under Section 9 of the Act (Annexure P-2) titled as 'Gursewak Singh vs. Harpreet Kaur' pending before



the learned Family Court, Tarn Taran is transferred to a Court of competent jurisdiction at Gurdaspur.

- b) The learned District Judge, Tarn Taran is directed to transfer complete record pertaining to the aforesaid case to District Judge, Gurdaspur.
- c) The parties are directed to appear before the District Judge, Gurdaspur on **16.06.2026**.
- d) The District Judge, Gurdaspur will assign the said petition to the Court of competent jurisdiction.

10. The concerned Court at Gurdaspur 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