



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

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**Transfer Application No.230 of 2026 (O & M)
Date of decision :-12.05.2026**

Harmanpreet Kaur**.....Petitioner****Versus****Lovepreet Singh****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Rahul Vohra, Advocate and
Ms. Sonali Aggarwal, Advocate
for the petitioner.

Respondent proceeded against ex-parte (vide order dated
29.4.2026.

NIDHI GUPTA J. (Oral)

1. Prayer in this petition filed by petitioner is for transfer of the petition bearing No.GW/134/2025 dated 05.8.2025 (Annexure P-1) as well as petition filed under Section 9 of the Hindu Marriage Act, 1955 filed by the respondent titled as "Lovepreet Singh vs. Harmanpreet Kaur" bearing case No.HMA/1679/2025 dated 09.7.2025 (Annexure P-2) pending before the Court of learned Addl. Principal Judge, Family Court, Ludhiana to the Court of competent jurisdiction at Moga.

Though notice has been served upon the respondent but as no one appeared on his behalf despite service, the co-ordinate Bench of this Court, vide order dated 29.4.2026 proceeded him



against ex-parte Accordingly, this petition is being decided in his absence.

2. Respondent has filed the above petition bearing GW/134/2025 dated 05.8.2025 (Annexure P-1) under Sections 7 and 8 of the Guardian and Wards Act, titled as “Lovepreet Singh vs. Harmanpreet Kaur and another” seeking custody of the minor son, namely, Sarbaz Singh, who is currently residing with the petitioner at Moga.

3. Learned counsel for the petitioner, inter alia, submits that:

- i) that the parties solemnized marriage on 24.5.2020 as per sikh Rites.
- ii) that out of the said wedlock, two sons, namely, Gurbaz Singh and Sarbaz Singh were born on 28.2.2021 and 17.7.2023 respectively. Since 11.3.2025 the parties are living separately and the elder son, namely, Gurbaz Singh, whose date of birth is 28.2.2021, is in the care and custody of respondent-husband and the younger son, namely, Sarbaz Singh, whose date of birth is 17.7.2023, is in the care and custody of the petitioner-wife, since then. The petitioner-wife alongwith younger son is living with her parents at Moga.
- iii) That the petitioner is unemployed, having no source of income and totally dependent upon her parents and the respondent-husband is not paying anything to her towards maintenance, and therefore, she cannot bear the expenses of travelling from Moga to Ludhiana and that too leaving behind the younger son.



- iv) that the distance between the place of residence and place of proceedings is approximately 70 kms. (one side).
 - v) that as per Section 9 of the Guardian and Wards Act, 1890, respondent has to file the petition for custody of the minor son where he ordinarily resides i.e. Moga.
 - vi) That there is no proficient male member in the family of petitioner-wife who can accompany her to the Court of proceedings at Ludhiana.
 - vii) Moreover, a petition filed by the applicant under Section 13 of the Hindu Marriage Act is already pending at Family Court, Moga.
4. I have heard learned counsel for the petitioner.
5. The legal position in such like cases as the present one, is well established. As per Section 9 of the Guardian and Wards Act, 1890, petition for custody is required to be filed where the minor child ordinarily resides. In the present case, minor son is admittedly residing with petitioner-wife at Moga.
6. Besides the facts as noticed hereinabove, the legal position in such like cases as the present one, 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**, 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 respondent husband under Section 9 of the Hindu Marriage Act, bearing No. HMA/1679/2025 dated 09.7.2025 (Annexure P-2) titled as "Lovepreet Singh vs. Harmanpreet Kaur", pending in the Court of Addl. Principal Judge, Family Court, Ludhiana is transferred to a Court of competent jurisdiction at Moga. AND
The petition bearing GW/134/2025 dated 05.8.2025 (Annexure P-1) under Sections 7 and 8 of the Guardian and Wards Act, titled as "Lovepreet Singh vs. Harmanpreet Kaur and another" pending in the Court of learned Addl. Principal Judge, Family Court, Ludhiana is transferred to a Court of competent jurisdiction at Moga.
- b) The Id. District Judge, Ludhiana is directed to transfer complete record pertaining to the aforesaid cases to District Judge, Moga.
- c) The parties are directed to appear before the District & Sessions Judge, Moga on 15.6.2026.
- d) The District Judge, Moga will assign the said petitions to the Court of competent jurisdiction.

10. The concerned Court at Moga will make all endeavour to refer the cases before the Mediation and Conciliation Centre for



exploring the possibility of some amicable settlement between the parties.

11. The Court concerned, where the litigations are 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.**

14. Disposed of.

15. Pending application(s), if any, stands disposed of.

May 12, 2026
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No