



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

TA-269-2026

Date of Decision: 14.05.2026

Sandeep Kaur

....Petitioner

Versus

Malkit Kaur

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Saurabh Kaushik, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

1. Prayer in this petition filed by the petitioner-wife is for transfer of the petition filed by respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') bearing No. HMA/7/2025 (Annexure P-2) titled as 'Malkit Singh vs. Sandeep Kaur' pending adjudication before the learned Family Court, Sunam, Sessions Division, Sangrur to a Court of competent jurisdiction at Nabha, Sessions Division, Patiala.

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

- i) The parties were married on 12.06.2023 according to Sikh Rites and Ceremonies by way of Anand Karaj.
- ii) No child was born out of the said wedlock.
- iii) Due to matrimonial discord the parties are residing separately since 04.06.2024.
- iv) The petitioner has no independent source of income whereas; on the other hand, respondent is owner of 35 bighas of agricultural land and is selling milk and earning more than ₹8,00,000/- per annum. The



respondent is also running Combine Harvester and is earning ₹3,00,000/- per harvesting season twice a year. As such, the respondent is earning ₹11,00,000/- per annum.

- v) The distance between place of residence of the petitioner-wife i.e. Nabha and the place of proceedings filed by the respondent-husband, pending at Sunam is about 50 kilometers on one side. As such, it is very difficult for the petitioner to undertake frequent travel for the case from Kalka to Ludhiana.
- vi) There are 02 cases filed by the petitioner-wife which are pending adjudication before the Courts at Nabha, Sessions Division, Patiala, which are as under:-
 - (a) Complaint under the provisions of the Protection of Women from Domestic Violence Act; and
 - (b) Petition under Section 144 Bharatiya Nagarik Suraksha Sanhita, 2023 (125 Cr.P.C.) pending before the learned Family Court at Nabha.

3. It is accordingly, prayed that the present petition may be allowed and the HMA/7/22025 (Annexure P-2) be transferred from the learned Family Court, Sunam to a Court of competent jurisdiction at Nabha, Sessions Division, Patiala.

4. Mr. Parveen Kumar Garg, Advocate, has put in appearance on behalf of the respondent-husband and submits Vakalatnama in Court which is taken on record. Learned counsel for the respondent vehemently



opposes the submissions advanced by learned counsel for the petitioner and submits that earlier the petitioner has filed a Civil Suit under Order XXXIII Rule 1 CPC before the learned Principal Judge, Family Court, Sangrur, Camp Court at Sunam, wherein she has shown herself to be resident of village '*Chow Bas Jakhepal, Tehsil Sunam, District Sangrur*'. It is submitted that the said suit has been filed by the petitioner for creating charge on the land stated to be owned by the respondent-husband. 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 merit in the submissions advanced on behalf of the respondent.

6. In view of the facts as enumerated above, I am of the view that no extenuating circumstances have been brought to light by the petitioner, on the basis of which transfer should be granted. Petitioner has not disputed that she has filed Civil Suit at Camp Court, Sunam, District Courts, Sangrur to create charge on property of respondent. Petitioner has also failed to show any such onerous responsibility which prevents her from travelling the short distance of 50 Kms from Nabha to Sunam and that too not daily but only on the dates of hearing. This Court is well aware of the preponderance of law in cases of transfer emanating from matrimonial disputes is in favour of the wife. However, in certain similar cases as the present one, the Hon'ble Supreme Court, as well as this Court have refused relief to the wife. One such case which may be



referred to is: **(2006) 9 SCC 197 ‘Anindita Das Vs. Srijit Das’** wherein Hon’ble Supreme Court under similar circumstances dismissed the wife’s application seeking transfer of petition filed by the husband. Reference in this regard may also be made to two cases of this Court where, in similar circumstances this Court had dismissed transfer applications filed on behalf of the wife. These are: **TA no. 126 of 2018 Smt. Akhwinder Kaur Vs. Sh. Gurpreet Singh;** and **TA No. 299 of 2019 Nisha alias Manisha vs. Amarveer Yadav.**

7. Accordingly, in view of the facts and circumstances of the present case as noted above, as also the precedents of Case law as above, finding no merit in this petition, the same is hereby **dismissed**.

8. 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