

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****140****TA-1134-2025 (O&M)****Date of decision: 14.05.2026****Jaspreet Kaur****...Petitioner(s)****Vs.****Man Singh****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Madhu Bala, Advocate and
Mr. J.S.Moudgill, Advocate
for the petitioner.

Mr. Devender S. Punia, Advocate
for the respondent.

NIDHI GUPTA, J.

Prayer in this petition filed by petitioner-wife under Section 24 of Civil Procedure Code, 1908 is for transferring the case bearing No. DMC 322 of 2025 titled as **Man Singh versus Jaspreet Kaur** filed by respondent under Section 9 of the Hindu Marriage Act (Annexure P-1), which is pending in the Court of Ld. Additional Principal Judge, Family Court, Hissar, Haryana to competent Court of Ld. Principal Judge, Family Court, Sangrur District Sangrur, Punjab.

2. It is *inter alia* submitted by learned counsel for the petitioner that the petitioner was married to the respondent/husband on 16.01.2018. No child is born out of their marriage. Due to matrimonial discord, parties are residing separately since January 2018.



3. Learned counsel for the petitioner seeks transfer of the aforesaid petition filed by the respondent/husband under Section 9 of the Hindu Marriage Act from Family Court, Hisar to Court of competent jurisdiction of Sangrur, Punjab on the ground that:

- 1) the petitioner has filed a Petition bearing No. HMA/28/2025 under Section 13 of the Hindu Marriage Act (Annexure P-2), which is pending before the Ld. Additional Principal Judge, Family Court Sangrur;
- 2) that the petitioner is working as Nurse in Rajendra Hospital, Patiala. As such, it is difficult for the petitioner to take leave and travel the distance of 170 k.m. from Hisar to Sangrur;
- 3) that the petitioner is residing at her parental home and, therefore, it is very difficult for the petitioner to attend proceedings pending before the Family Court, Hisar;
- 4) Further, the Petition under Section 9 of the Hindu Marriage Act has been filed by the respondent with ulterior motive only to harass the petitioner and her family members as marriage between the parties is a dead marriage as the parties never lived or cohabited together as husband and wife.

4. It is accordingly prayed that the present Petition be allowed; and the petition filed under Section 9 of the Hindu Marriage Act (Annexure P-1) by the respondent presently pending before the Family Court, Hisar be transferred to Family Court, Sangrur.



5. *Per contra*, learned counsel for the respondent controverts submissions of the petitioner and submits that the respondent is unemployed and has no source of income; whereas the petitioner has a Govt. job. It is further submitted that it is for this reason that the petitioner does not wish to live with the respondent. It is further submitted that this is second marriage of the petitioner. It is accordingly prayed that the present Petition be dismissed.

6. Learned counsel for the petitioner rebuts submissions of the respondent by submitting that the respondent is a well qualified person as he has completed his course of GNM. Moreover, it is incorrect for the respondent to state that he is jobless as the respondent is working as Nurse in Sarvodaya Multispeciality Hospital, Hisar and earning Rs.18,000/- p.m. Respondent is also having 5 acres of agricultural land and having income of Rs.7-8 lacs per annum.

7. No other argument has been made on behalf of the parties. I have heard learned counsel for the parties and have perused the case file in detail. I find merit in the submissions of learned counsel for the petitioner.

8. Besides the facts as noticed herein above in para 2, which constitute sufficient grounds for transfer, the legal position in such like cases is well established inasmuch as, convenience of the wife is to be given greater weightage. 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 socio-economic 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.”

9. 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.”*



10. 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.

11. 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 (Annexure P-1) filed by respondent husband under Section 9 of the Hindu Marriage Act, pending in the Court of Ld. Additional Principal Judge, Family Court, Hisar, Haryana is transferred to a Court of competent jurisdiction at Sangrur, Punjab.
- b) The learned District Judge, Hisar is directed to transfer complete record pertaining to the aforesaid case to District Judge, Sangrur, Punjab.
- c) The parties are directed to appear before the District Judge, Sangrur, Punjab on 16.06.2026.
- d) The District Judge, Sangrur, Punjab will assign the said petition to the Court of competent jurisdiction.



12. The concerned Court at Sangrur 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.

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

14. 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.**

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

16. Pending applications, if any, stand disposed of.

14.05.2026

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No