



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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TA-1409-2024

Date of Decision: 15.05.2026

Mandeep Kaur

....Petitioner

Versus

Japreet Singh

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. JS Mahal, Advocate for the petitioner.

Mr. SS Randhawa, Advocate for the respondent.

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 9 of the Hindu Marriage Act, 1955 (for short 'the Act') bearing No. HMA/456/2024 (Annexure P-1) titled as 'Jaspreet Singh vs. Mandeep Kaur' pending in the Court of Principal Judge, Family Court, Gurdaspur to a Court of competent jurisdiction at Amritsar.

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

- i) The parties were married on 25.11.2023 according to Sikh Rites and Ceremonies.
- ii) No child was born out of the said wedlock.
- iii) Due to matrimonial discord the parties are residing separately since 08.02.2024.
- iv) The distance between place of residence of the petitioner-wife i.e. Amritsar and the place of proceedings filed by the respondent-husband at Gurdaspur, is about 75 kilometers on one side. It is very difficult for her to frequently travel from Amritsar to Gurdaspur to attend the Court proceedings.



- v) The petitioner has no source of income and is residing her at parental house. Now, her ailing father has also been expired.

3. It is accordingly, prayed that the present petition may be allowed and petition bearing No. HMA/456/2024 (Annexure P-1) titled as 'Jaspreet Singh vs. Mandeep Kaur' be transferred from the learned Family Court, Gurdaspur to a Court of competent jurisdiction at Amritsar.

4. *Per Contra*, learned counsel for the respondent vehemently opposes the submissions advanced by learned counsel for the petitioner and submits that the petitioner-wife is Graduate. However, she is not working. Moreover, the marriage has subsisted only for a period of 03 months. The respondent-husband has also the responsibility to look after his old aged parents. 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. It is also submitted by learned counsel for the petitioner that the petition bearing No. HMA/456/2024 (Annexure P-1) pending adjudication before the learned Family Court Gurdaspur, deserves to be transferred to a Court of competent jurisdiction at Sessions Division, Amritsar, as the father of the petitioner has now expired and it is very difficult for her to travel alone to attend the Court proceedings at Gurdaspur. On a Court query, learned counsel for the petitioner has admitted that there is no other case presently pending before the Courts



at Amritsar. On another Court query, learned counsel for the petitioner has also admitted that she is a Graduate, however, she is not working.

7. 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 it is shown that petitioner is not in a position to travel to Gurdaspur, 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. SrijitDas'** 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.**

8. 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**.

9. Pending application(s), if any, shall also stand disposed of.

15.05.2026
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No