



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**159**

TA-1723-2025 (O&M)

Date of Decision: 12.05.2026

Daljit Kaur

.... Petitioner

Versus

Gursant Singh

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Arpan Sabharwal, Advocate for the respondent.

**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 13 of the Hindu Marriage Act, 1955 (for short-‘the Act’) bearing DMC No. 217 dated 05.03.2025 (Annexure P-1) titled as ‘Gursant Singh vs. Daljit Kaur’ pending before the learned Family Court, Camp at Nakodar, District Jalandhar to a Court of competent jurisdiction at Moga.

2. Learned counsel for the petitioner, *inter alia*, submits as under:

- i) that the parties solemnized marriage on 15.05.2017.
- ii) that no child was born out of the said wedlock.
- iii) that due to matrimonial discord the parties are living separately since September, 2023.
- iv) that both the parties are residing in United Kingdom.

It is submitted that despite the above fact, the respondent-



husband had filed the instant petition (Annexure P-1) under Section 13 of the Act on 05.03.2025 which is pending adjudication before the learned Family Court, Camp at Nakodar, District Jalandhar.

v) that the petitioner is residing in United Kingdom and is appearing before the learned Family Court, concerned through her Power of Attorney Holder who is her old aged mother who has various health problems.

vi) that the distance between the place of residence of the mother of the petitioner at Moga and place of proceedings at Nakodar is about 55 kilometers on one side and it is difficult for the mother of the petitioner to travel frequently for the case.

vii) that father of the petitioner-wife had died in April, 2024; and her brother is also residing abroad.

3. It is, *inter alia*, on these grounds that petitioner prays for transfer of the case, as detailed in para 2 above.

4. *Per Contra*, learned counsel appearing for the respondent vehemently opposes the submissions advanced by learned counsel for the petitioner and submits that mother of the petitioner can appear before the learned Family Court, concerned through Video Conferencing. However, on a Court query, learned counsel for the respondent admits that the respondent-husband is pursuing the aforesaid HMA petition filed under Section 13 of the Act (Annexure P-1) through his Power of Attorney Holder who is his father.



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 no merit in the submissions advanced on behalf of the respondent.

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 (Annexure P-1) filed by respondent-husband under Section 13 of Act, bearing DMC No. 217 dated 05.03.2025 (Annexure P-1) titled as ‘Gursant Singh vs. Daljit Kaur’ pending before the learned Family Court,



Camp at Nakodar, District Jalandhar is transferred to a Court of competent jurisdiction at Moga.

b) The learned District Judge, Jalandhar is directed to transfer complete record pertaining to the aforesaid case to District Judge, Moga.

c) The parties are directed to appear before the District Judge, Moga on **15.06.2026**.

d) The District Judge, Moga will assign the said petition to the Court of competent jurisdiction.

10. The concerned Court at Moga 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.

**12.05.2026**  
*rishu*

**( NIDHI GUPTA )**  
**JUDGE**

**Whether speaking/reasoned Yes/No**

**Whether Reportable Yes/No**