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TA-820-2025

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

Sr. No.220

TA-820-2025

Date of Decision: 12.03.2026

MOMAL PREET KAUR

....Applicant

Versus

JARMANJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. H.S. Deol, Advocate
for the applicant.

Mr. Lovish Rattan, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Reply has not been filed, despite last opportunity having given.
There is no justification, for further adjournment of the case for the said
purpose.

Counsel for the parties heard.

The applicant-wife has filed the present application for seeking
transfer of the petition under Section 11/12 of the Hindu Marriage Act i.e.
HMA/2359/2024, titled '*Jarmanjit Singh Vs. Momal Preet Kaur*', filed by
the respondent-husband, pending in the Family Court, Amritsar and she
seeks transfer of the same to the Court of competent jurisdiction at
Ludhiana.

At the very outset, it is submitted by the counsel for the
applicant that the marriage between the parties to the lis, had taken place on
30.04.2024, but no child was born from the said wedlock. However, on



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account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she has filed the maintenance petition i.e. MNT-125/8353/2025, which is pending in the Courts at Ludhiana, at appearance stage. She has also filed the petition under the Protection of Women from Domestic Violence Act i.e. COMA/23611/2025, which is also pending in the Courts at Ludhiana and the respondent is making appearance in the same. The distance between the two places is stated to be about 300 kms.

On the other hand, counsel for the respondent has though not filed reply, but however, he submits that in fact, the applicant had remarried the respondent, during the subsistence of her previous marriage and therefore, looking at her conduct, she is not entitled to seek transfer, as now prayed for.

In view of the submissions aforesaid, it is pertinent to mention that even though, counsel for the respondent has submitted about the conduct of the applicant, as observed aforesaid, but however, the same need not be appraised, while dealing with the transfer application. The same will be taken care of by the Court, where the petition under Section 11/12 of the Hindu Marriage Act, is already pending. Even though, no child was born from the broken marriage, but however, suffice to consider that there are two other litigations arising from this matrimonial dispute and they are already pending in the Courts at Ludhiana. The respondent has already made appearance in the petition under the Protection of Women from Domestic Violence Act, whereas, the maintenance petition is still at appearance stage.



In view of the aforesaid fact situation, while considering the fact of two other litigations, already pending in the Courts at Ludhiana; fact of the applicant, not having any source of earning; distance between the two places and above it taking into consideration the fact about the respondent having not come forward with any substantive reason to resist the application, as he has not filed the reply, the transfer application is allowed and the petition under Section 11/12 of the Hindu Marriage Act i.e. HMA/2359/2024, titled '*Jarmanjit Singh Vs. Momal Preet Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Amritsar, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Family Court, Amritsar, to the District and Sessions Judge, Ludhiana.

Learned District and Sessions Judge, Ludhiana, shall assign the said petition to the Family Court, Ludhiana. Even, the parties are directed to appear before the Family Court, Ludhiana, within a period of one month from today onwards.

12.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No