



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

**Date of Decision: 28.03.2025**

**1. TA-900-2024**

**GAGANPREET KAUR**

**....Applicant**

**Versus**

**GURTEJ SINGH**

**....Respondent**

**2. TA-905-2024**

**GAGANPREET KAUR**

**....Applicant**

**Versus**

**GURTEJ SINGH AND ANOTHER**

**.....Respondents**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Aditya Anand, Advocate  
for the applicant (in both the cases)

Respondent(s) proceeded against *ex parte*  
vide order dated 07.02.2025 (in both the cases).

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**ARCHANA PURI, J. (Oral)**

Vide this order, I shall dispose of two applications, filed by Gaganpreet Kaur-applicant/wife, for seeking transfer of the litigation, pending between the parties to the lis.

TA-900-2024 has been filed by the applicant-mother for seeking transfer of the petition under Sections 6, 7 and 25 of the Guardians



and Wards Act, 1890 i.e. GW/11/2022, titled '*Gurtej Singh Vs. Gaganpreet Kaur*', filed at the instance of respondent-father (husband of the applicant), thereby seeking custody of the son born from the wedlock of the parties to the lis.

TA-905-2024 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/63/2022, titled '*Gurtej Singh Vs. Gaganpreet Kaur and another*', filed by the respondent-husband.

Both the aforesaid cases are pending in the Courts at Faridkot and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Moga.

Upon notice issued, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 03.04.2009. However, on account of the matrimonial discord, the parties are residing separate. One son born from the said wedlock, who is about 14 years old at present, is in the care and custody of the applicant. Unfortunately, the said child was born with certain mental abnormalities, which hampered his cognitive faculties and thus, he required to have lifelong treatment and care. He was diagnosed with '*Autism Spectrum Disorder*', since birth. He had been getting treatment at Aasra Manorog Hospital situated at Moga. The documents relating to the treatment undergone by the son of the applicant, have been placed on record as Annexures P-1 to P-3. In view of the ailment of the son of the applicant, it is submitted that the applicant finds it difficult to seek



treatment of her son, while commuting from Kotkapura, District Faridkot, to Moga. Also, it is pointed out that on account of the extensive visits to Moga, for the treatment of the child, the son of the parties to the lis was made to discontinue his schooling at Faridkot and consequently, he has been got admitted in N.S. Bawa Public School at Moga.

On account of such constrained circumstances, a prayer has been made for transfer of both the aforesaid petitions.

In view of the submissions aforesaid, it is pertinent to mention that the respondent has not come forward to resist the transfer applications. Further, it is pertinent to mention that each case has to be considered in the backdrop of its own peculiar facts and circumstances. Firstly, it is necessary to note that the petition for maintenance, filed by the applicant, which was pending in the Courts at Faridkot, has since been transferred to the Family Court, Moga, vide order dated 20.09.2024, passed in CRM-M-45038-2024, copy whereof has been produced by the counsel for the applicant in the Court today. The only son of the parties, who is about 14 years old, is suffering from ailment of '*Autism Spectrum Disorder*'. Perusal of Annexure P-1 reveals that the child is undergoing treatment at Aasra Manorog Hospital, Moga and the doctor concerned has also stated in the certificate about the requirement of child for the continuous treatment, on the regular basis and all possible help must be extended considering his chronic medical condition. The disability certificate has also been issued, *vis-a-vis*, the child in question, copy whereof is Annexure P-4. It states about the child to be a case of '*Intellectual Disability*'. The diagnosis in his case is '*Intellectual Disability*'. His I.Q. is 54 (Mild ID), as done by clinical psychologist at GGSMCH, Faridkot. He has 75% disability in relation to his



brain. As such, it is evident that the child is having a serious health issue. On account of being grown up child, it is quite obvious that it must be very challenging for the applicant/mother, to take care of the child and to commute to Moga, for his treatment. Under the constrained circumstances, only on account of the schooling being effected, the applicant has shifted to Moga.

Considering the aforesaid circumstances, more particularly, the fact of one petition already having been transferred to the Courts at Moga vide order dated 20.09.2024 passed in CRM-M-45038-2024, both the transfer applications are allowed and the petition under Sections 6, 7 and 25 of the Guardians and Wards Act, 1890 i.e. GW/11/2022, titled '*Gurtej Singh Vs. Gaganpreet Kaur*', as well as the petition under Section 13 of the Hindu Marriage Act i.e. HMA/63/2022, titled '*Gurtej Singh Vs. Gaganpreet Kaur and another*', filed by the respondent, stands transferred from the Family Court, Faridkot, to the Court of competent jurisdiction at Moga. The requisite record of the aforesaid case be sent by the Family Court, Faridkot, to the District and Sessions Judge, Moga.

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

28.03.2025  
Himanshu

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No