



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

Sr. No.105

TA-970-2023

Date of Decision: 28.01.2025

SHINAM PARMAR

....Applicant

Versus

VISHAL VERMA

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rahul Garg, Advocate for
Mr. Naveen Batra, Advocate
for the applicant.

Mr. Aakash Rana, Advocate for
Mr. Sandeep Kumar, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/333/2022, titled '*Vishal Verma Vs. Sheenam Parmar*', filed by the respondent-husband, pending in the Family Court, Kapurthala and she seeks transfer of the same to the Court of competent jurisdiction at Hoshiarpur.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

At the very outset, the counsel for the applicant has submitted



that the marriage between the parties to the lis, had taken place on 26.04.2021, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. Also, it is submitted that the applicant is having no source of income. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100 kilometres, to defend the divorce petition. Also, it is submitted that the petition under Section 125 Cr.P.C. and the complaint under the Protection of Women from Domestic Violence Act, filed by the applicant, are already pending in the Courts at Hoshiarpur.

On the contrary, the counsel for the respondent, while making reference to the reply and the documents annexed therewith, submits that the conduct of the applicant is such, which does not call for transfer of the divorce petition. In fact, it is submitted that the respondent's family is running the business of gold and they are running jewellery shops. However, the applicant had committed theft of the gold ornaments, to the extent of 15 tolas and she had extended apology for her conduct, which is Annexure R-3. Also, she had got recorded her statement, during the inquiry of the complaint filed by the respondent's family, wherein she had given the detail of the gold ornaments, stolen by her. Even though, she had agreed to return back the gold ornaments, but she had not done so and an FIR bearing No.53 dated 12.06.2022, under Sections 380, 406 and 120-B IPC, was got lodged against the applicant and her mother, at Police Station Fattudhingra, District Kapurthala. The respondent is facing trial of the aforesaid FIR, in the Courts at Kapurthala.

In view of the submissions made by the counsel for the respondent, on query by the Court, the authenticity of the documents,



Annexures R-1 to R-6, filed at the instance of the respondent, is not disputed by the counsel appearing on behalf of the applicant.

Keeping in view the aforesaid fact situation and also considering the fact that the applicant, who is indulging into wrongful activities and that too with her own in-laws and is already facing trial in Kapurthala, no case is made out for transfer of the divorce petition, more particularly, when she is not required to make appearance personally, on each and every date.

Hence, the transfer application is hereby dismissed.

28.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No