



TA-1550-2024

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

**Sr. No.112**

**TA-1550-2024**

**Date of Decision: 21.05.2025**

**NEHA GARG**

**....Applicant**

**Versus**

**ADITYA GARG**

**.....Respondent**

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

Present:- Mr. Sukesh Kumar Jindal, Advocate  
for the applicant.

Mr. Narender Pal Bhardwaj, Advocate  
for the respondent.

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**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/253/2024, titled '*Aditya Garg Vs. Neha Garg*', filed by the respondent-husband, pending in the Family Court, Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar.

Upon notice issued, the respondent made appearance through counsel and filed reply.

The counsel for the parties heard.



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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 10.07.2019, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that in a very well-planned conspiracy, the applicant was thrown away from the matrimonial house and the applicant as well as respondent started residing in a rented accommodation. Thereafter, in the month of November, 2023, she was thrown out of the said rented accommodation also. It is submitted that with an intention to create evidence, the respondent started depositing an amount of Rs.10,000/- per month, in the applicant's account since January 2024, as maintenance, but however, he stopped making said payment, since June 2024, when the applicant filed the petition under Section 125 Cr.P.C. Since November 2023, the applicant is residing at her parental place. Further, it is submitted that three other cases arising from the said matrimonial dispute are already pending in the Courts at Yamuna Nagar; petition under Section 125 Cr.P.C.; complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/240/2024; and the trial relating to FIR bearing No.677 dated 14.07.2024, under Sections 323, 406, 498-A and 506 IPC, got lodged by the applicant at Police Station City, Yamuna Nagar. In the said FIR, challan has been presented and now, the case is fixed for framing of charge. Also, it is submitted that the applicant is a home-maker and has no source of earning. Also, the counsel submits that the respondent resides at Saha, which is at a distance of about 27 kilometres from Ambala. As such, it is difficult for the applicant, to commute a distance of about 60 kilometres,



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to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the applicant had concealed the material facts. In fact, at first instance, in the previous transfer application filed for seeking transfer of the divorce petition, there was no disclosure made about receipt of the maintenance of Rs.10,000/- per month, as well as the payment of Rs.16,000/- per month, as rent of the accommodation in Ambala. This disclosure was made after the withdrawal of the first transfer application. Besides the same, also it is submitted that the applicant is a well-educated person. She is M.Tech. in Electronics and as such, is a qualified professional. Also, it is submitted that the respondent stopped paying the payment of Rs.10,000/- per month, as the applicant had filed the petition under Section 125 Cr.P.C.

In view of the rival submissions aforesaid, it is pertinent to mention that though, generally the Courts give preference to the convenience of wife, in case of transfer applications relating to the matrimonial disputes, but however, the other circumstances coming forth, ought to be taken into consideration. In the case in hand, the distance between the two places is about 60 kilometres. The applicant is a well-qualified lady. She is M.Tech. in Electronics. The payment of Rs.10,000/- was made by the respondent, in the account of the applicant. Though, it is submitted that this amount was paid, only for the purpose of creating evidence, but however, it is too early to comment upon the intention of making payment. The fact remains that the said amount was paid to the applicant. Even though, it has been submitted by the counsel for the applicant that the respondent is residing at



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Saha, but relating to the rent paid of the rented accommodation in Ambala, he himself states that the respondent is using the same. This fact is also essential to be taken note of, as he himself is stating about the respondent, to be residing at two places i.e. Saha, as well as Ambala.

At this stage, the counsel for the respondent submits that if the Court permits, the respondent is ready to continue with making payment of Rs.10,000/- per month, from today onwards. However, he makes a prayer that the same may be considered by learned Family Court, while adjudicating on the petition under Section 125 Cr.P.C. However, this offer is not acceptable to the counsel for the applicant.

In view of the aforesaid fact situation and more particularly, considering the educational qualification of the applicant; considering the distance between the two places; and also considering the fact of the parties not having any child at present, no good ground is made out for acceptance of the transfer application.

Hence, the transfer application is hereby dismissed.

**21.05.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No