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

Sr. No.245

TA-95-2025

Date of Decision: 21.08.2025

NEETU VERMA

...Applicant

Versus

INDERJEET MEHTA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sumit Sharma, Advocate
for the applicant.

Mr. Yogesh Kumar Saini, 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/31/2024, titled '*Inderjeet Mehta Vs. Neetu Verma*', filed by the respondent-husband, pending in the Family Court, Fatehabad and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

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

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 28.09.2022, but no child



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was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant is not working and she has already filed the petition under Section 125 Cr.P.C. i.e. MNT-125/28/2024 and the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/18/2024, which are pending in the Courts at Bhiwani and the respondent is making appearance in both the said petitions. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 115 kilometres, to defend the divorce petition.

On the other hand, counsel for the respondent has assiduously submitted that the applicant has not come to the Court with clean hands. In fact, she is living in Tohana itself, in the matrimonial home i.e. House No.44, New Friends Colony, Tohana, District Fatehabad and it is the respondent-husband, who has been turned out of the house. To so substantiate this plea, it is submitted by the counsel that in the memorandum of parties also, the applicant had stated two places of her residence, one in Bhiwani and the other in Tohana, which is her matrimonial house. In view of the same, it is submitted that in fact, the respondent-husband had also filed a suit for permanent injunction, against the applicant and her family members i.e. CS/311/2024. While facing cross-examination in the said suit, the applicant had herself stated about herself to be permanent resident of Tohana and she also stated about herself to be living there, for pursuing the cases at Bhiwani.

In view of the aforesaid submissions, a query was put to the counsel for the applicant, about the purpose of mentioning of two addresses



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and the counsel has submitted that the applicant, off and on, resides at Tohana, in the matrimonial house, as it is under her control and she takes care of the said house. On further query by this Court, it is submitted that it is the husband, who is living away from House No.44, New Friends Colony, Tohana, District Fatehabad. Besides the same, also a query was put about pendency of litigation, relating to the suit for permanent injunction. Counsel for the applicant admits about pendency of the said suit, but however, he submits that the same is still pending at Tohana.

In view of the aforesaid circumstances, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, in case of transfer application relating to the matrimonial dispute. However, it is not a thumb rule. The other circumstances spelt out from the material brought on record, in each case, has to be taken into consideration. Both the cases arising from the matrimonial dispute, are pending in the Courts at Bhiwani. Also, from the contents of the application, as well as from submissions made by counsel for the respondent, more particularly, when the same have not been confronted by the counsel for the applicant, it is evident that the applicant herself, is residing at Tohana, as mentioned in the memorandum of parties. Tohana is at a distance of about 50 kilometres from Fatehabad and Bhiwani is at a distance of about 150 kilometres from Fatehabad and 100 kilometres from Tohana. In the given circumstances, it is obviously convenient for the applicant-wife, to pursue the litigation, already pending at Tohana, where she allegedly resides off and on, rather than pursuing the same at Fatehabad from Bhiwani, where she seeks the transfer.

Considering the assertions, so made, it is quite obvious that the



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application has been filed with some malafide intention, with a purpose to harass the respondent, who has to travel more, to pursue the litigation, if so transferred to Bhiwani. The fact of the applicant staying at Tohana, which is asserted by the counsel and is also evident from two addresses mentioned in the memorandum of parties, is in itself sufficient to consider the purpose behind seeking transfer of the litigation. In the given circumstances, there cannot be said to be any inconvenience faced by the applicant, more particularly, when she has a capacity to look after and also to travel, 'to and fro', from Bhiwani, to take care of the matrimonial home, which she allegedly submits to be in her possession.

Considering the facts and circumstances of the present case, no case is made out for transfer of the divorce petition.

Hence, the transfer application is hereby dismissed.

21.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No