

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

Sr. No.107-1

TA-107-2024

Date of Decision: 28.08.2025

USHA BAGORIA

...Applicant

Versus

RAM CHAND BAGORIA

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.K. Verma, Advocate
for the applicant.

Mr. Vikas Saroha, Advocate
for the respondent.

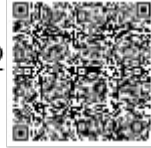
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/269/2022, titled '*Usha Bagoria Vs. Ram Chand Bagoria*', pending in the courts at Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.

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

Counsel for the parties heard.

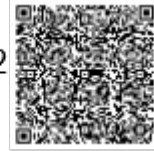
At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 23.02.1993. Two children were born from the said wedlock, one daughter and one son. The daughter is about 30 years old and is married, whereas the son is about 25 years old and he is living in Panchkula, though working in



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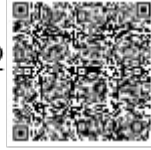
SAS Nagar. Ever since the marriage, the behaviour of the respondent was not up to mark and the applicant was bearing the same. However, she was turned out of the matrimonial house. On account of this matrimonial dispute, the litigation had started between the parties. The applicant has no source of earning and she is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Panchkula. Till date, no amount of maintenance has been paid by the respondent. Furthermore, it is submitted that the divorce petition filed by the applicant, is pending in the Courts at Panchkula and the respondent is making appearance in the same. Besides the aforesaid, it is submitted that there is one civil suit i.e. CS/2193/2022, filed by the respondent, which is pending in the Courts at Faridabad and relating to the same, the applicant has filed transfer application i.e. TA-132-2024, which is pending at the stage of service of the respondents. In the given circumstances, it is submitted that it is difficult for the applicant, to cover a distance of about 280 kilometres, to defend the petition under Section 12 of the Protection of Women from Domestic Violence Act.

On the other hand, counsel for the respondent, while making reference to the reply, as well as the medical record, annexed therewith, submits that both the children born from the wedlock of the parties, are well-settled. Now, after a period of 30 years of marriage, the applicant had filed the false petition under Section 12 of the Protection of Women from Domestic Violence Act. In fact, it is submitted that the respondent himself is not physically fit. He is suffering from cervical disk regular pain and on this account, it will be too difficult for him also, to pursue the litigation, if the application is accepted.



In view of the submissions aforesaid, it is pertinent to mention that though, both the children born from the wedlock of the parties, are well-settled, but it also ought to be taken into consideration that the applicant is not having any source of earning. She allegedly had been turned out of the matrimonial house. Also, she had filed the petition under Section 125 Cr.P.C., as well as the divorce petition, which are pending in the Courts at Panchkula and the respondent is making appearance in both the said petitions. The distance between the two places is also a weighing factor. Though, counsel for the respondent has submitted that the respondent is having medical issues, but however, on query, it is submitted that he is not bed-ridden. Various reports have been annexed with the reply and there is also an MRI Scan of cervical spine. However, apart from the same, nothing is coming on record, showing that the respondent is completely bed-ridden and that he is not in a position to travel. Certain ailments do accrue, with the age and therefore, in view of no specific certificate, with regard to respondent being immobile, having placed on record, it cannot be considered that he is having difficulty in carrying out the routine course.

Considering the facts and circumstances and more particularly, considering the applicant having no source of earning, distance between the two places, where the case is already pending and where it is sought to be transferred, as well as considering the fact of two cases already pending in the Courts at Panchkula, which are being pursued by the respondent, the transfer application is allowed and the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/269/2022, titled '*Usha Bagoria Vs. Ram Chand Bagoria*', stands transferred from the courts at Faridabad, to the Court of competent jurisdiction at Panchkula.



The requisite record of the aforesaid case be sent by the court concerned to the District and Sessions Judge, Panchkula.

Learned District and Sessions Judge, Panchkula, shall assign the said petition to the court of competent jurisdiction at Panchkula. Even, the parties are directed to appear before the concerned court, within a period of one month from today onwards.

However, in view of the submissions made at the behest of the respondent, it is pertinent to mention that the respondent always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode. Upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

28.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No