

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

TA 1153/2022

Date of decision: 29.11.2022

Swati Pathania

.....Petitioner

Vs.

Ritesh Pangasa

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rahul Verma, Advocate for the petitioner
Mr. Ritesh Pandey, Advocate for the respondent

Nidhi Gupta, J.

This is second Transfer Application filed by the petitioner-wife seeking transfer of petition filed by respondent-husband under Section 13 of the Hindu Marriage Act, 1955, titled “Ritesh Pangasa v Swati Pathania” bearing HMA No. 596/2019 (Annexure P-1) from the Court of Principal Judge, Family Court, Gurdaspur to a court of competent jurisdiction at Amritsar, and now at Amritsar or Gurugram.

Upon issuance of notice, respondent-husband put in appearance through Counsel and filed written statement which is taken on record.

In the present case it is undisputed that earlier Transfer Application bearing TA 900/2019 filed by petitioner seeking same relief was dismissed on merits by a Coordinate Bench of this Court vide detailed speaking order dated 19.4.2022 on the ground of misstatement and concealment of material facts by the petitioner, especially the fact that she was found to be a working lady based at Gurugram. Not only this the daughter of the petitioner is also studying in a school at Presidium School, Palam Vihar, Gurugram. However, these facts were concealed by the petitioner as she was seeking transfer of the petition u/s 13 HMA from the Court at Gurdaspur to Amritsar, whilst she was actually living in Gurugram. However, said concealment on part of the petitioner was brought to light before this Court by the respondent-husband.

In this regard, the observations made by the Coordinate Bench of this Court in order dated 19.4.2022 while dismissing applicant's earlier TA No. 857 of 2019, are imperative: *"To the specific query of the Court why the wife is insisting to get the matters transferred from Gurdaspur to Amritsar rather than to Gurugram, her counsel was squarely at loss of words. There is misstatement and concealment of material facts and in the light of the same, the applicant is certainly not entitled to any sympathy and relief from this Court."*

Even now no explanation is forthcoming from the counsel for the petitioner as to why it was concealed that petitioner is resident of Gurugram, and in this situation why transfer of cases was/is sought to Amritsar.

In the present petition it is averred by the petitioner that she could not bring to the notice of this Court that she is permanent resident of Amritsar. This statement too of the petitioner is found to be false in view of the fact that a perusal of TA No.900/2019 shows that in the said petition, the petitioner had shown herself to be a resident of ‘Pathania Building, Opposite Post Office, GT Road, Chheharta, Amritsar’; and in para 1 of the said petition had clearly stated that “.....petitioner is a permanent resident of Opposite Post Office, Chheharta, Amritsar....” Clearly, the petitioner has misstated that she did not earlier aver before this Court that she is a permanent resident of Amritsar.

In the present Transfer Petition, the petitioner has also not revealed the fact that earlier, she has also sought review of order dated 19.4.2022 by way of Review Application bearing RA-CR-70/2022, which was admittedly dismissed as withdrawn vide order dated 16.8.2022 (Annexure R-2).

Ld. Counsel for the petitioner is unable to deny or controvert any of the above said facts. Accordingly, it is clear that the petitioner is habitual of making misstatements and misleading this

Court. In view of the above, I find no merit in this petition and the same is hereby dismissed.

Application(s),if any, also stand disposed of.

(Nidhi Gupta)
Judge

29.11.2022
Joshi

Whether speaking/reasoned	Yes
Whether reportable	Yes/No