

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

1. TA No.857 of 2019

Swati Pathania

... Applicant

Versus

Ritesh Pangasa

... Respondent

2. TA No.900 of 2019

Swati Pathania

... Applicant

Versus

Ritesh Pangasa

... Respondent

Date of decision: 19th April, 2022

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rahul Verma, Advocate for the applicant.

Mr. Ritesh Pandey, Advocate for the respondent.

FATEH DEEP SINGH, J.

The above detailed two transfer applications being between the same couple, both moved by the wife Swati Pathania against her husband Ritesh Pangasa seeking in the first application (TA No.857 of 2019) transfer of petition under Section 25 of the Guardian and Wards Act, 1890 titled 'Ritesh Pangasa v. Swati Pathania' pending in the Court of Principal Judge, Family Court, Gurdaspur to the Court of competent jurisdiction at Amritsar while in the second application (TA No.900 of 2019) seeking transfer of petition filed under Section 13 of the Hindu Marriage Act, 1955 titled 'Ritesh Pangasa v. Swati Pathania' also

pending in the Court of Principal Judge, Family Court, Gurdaspur to the Court of competent jurisdiction at Amritsar; and there being consanguinity of facts and the law points involved, the same are being taken up together for disposal by way of this common judgment.

Heard Mr. Rahul Verma, Advocate for the applicant; Mr. Ritesh Pandey, Advocate for the respondent and perused the records of the case.

Admittedly the couple got married on 09.12.2012 out of which a daughter was born to the couple who is a minor. On account of matrimonial disaccord, the wife and the daughter had filed maintenance application in a Court at Amritsar besides complaint under the Protection of Women from Domestic Violence Act, 2005 at the same very place while the husband on the other hand had instituted a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights at Gurdaspur which was later on withdrawn and another petition under Section 25 of the Guardian and Wards Act, 1890 has been filed by the husband. The claim of the wife is that she is a widowed mother and is living along with minor daughter with her mother at Amritsar and it is quite difficult for her to attend the hearings at Gurdaspur and hence the prayer in question. The same is vehemently denied by the husband in his stand terming the stand of the wife to be figment of lies and has submitted that the wife is working in a private undertaking and is presently living in Gurugram (Haryana) where she has also received her

summons and is filing income tax returns besides opening bank accounts there and therefore, has termed the same purely as a ploy to harass and humiliate the husband.

Going through the submissions of the two sides, innumerable documents placed on the record show that the wife is working with Bravura Solutions Ltd., DLF City, Gurugram (Haryana) besides the fact that as per Annexure R4, a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and Section 125 Cr.P.C. the wife accepts her status to be a working lady based at Gurugram besides accepting that she is operating her bank accounts at Gurugram and has got it transferred from Gurdaspur to that place regarding which proof (Annexure R3) is annexed with the reply of the husband besides the fact that the wife is filing her income tax returns from an address in Gurugram, unrefutedly suggests it so. 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. More so, the documents so placed on the record have totally remained un rebutted and the wife has not filed any rejoinder or counter-affidavit to that effect that she is not residing at Gurugram, besides the fact that the daughter of the applicant is studying in a school at Palam Vihar, Gurugram; are matters which do not augur well for the applicant wife.

The innumerable litigations are suggestive of the acrimony to which the parties have come about. The transfer applications in the light of these unrebutted documents reflect that they are not apparently bona fide. There is misstatement and concealment of material facts and in the light of the same, the applicant is certainly not entitled to any sympathies and relief from this Court. There appears to be no merit in both the transfer applications, which accordingly stand dismissed.

(FATEH DEEP SINGH)
JUDGE

April 19, 2022

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No