



TA-50-2025 (O&M) & TA-1214-2024 (O&M)

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

Sr. No.111

Date of Decision: 20.05.2025

1.

TA-50-2025 (O&M)

SHWETA SIDHU

....Applicant

Versus

SAVITOJ SINGH GILL

.....Respondent

2.

TA-1214-2024 (O&M)

SAVITOJ SINGH GILL

....Applicant

Versus

SHWETA SIDHU

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kamaldeep S. Sidhu, Advocate
for the applicant (in TA-50-2025) and
for the respondent (in TA-1214-2024).

Mr. M.S. Khaira, Senior Advocate, assisted by
Mr. Jaswinder Singh, Advocate
for the respondent (in TA-50-2025) and
for the applicant (in TA-1214-2024).

ARCHANA PURI, J. (Oral)**CM-7554-CII-2025 AND CM-9731-CII-2025 IN TA-50-2025**

These are two applications filed at the behest of the respondent-
husband, for placing on record the reply to the transfer application, as well



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as the documents, Annexures P-4 to P-7, respectively.

Considering the same, both the applications are allowed and the requisite documents are taken on record.

CM-9728-CII-2025 IN TA-1214-2024

The present application has been filed at the behest of the applicant-husband, for placing on record documents, Annexures R-7 to R-10.

Considering the same, the application is allowed and the requisite documents are taken on record.

Main cases

Vide this order, I shall dispose of two applications, filed by the parties to the lis, for seeking transfer of the litigation, pending between them.

TA-50-2025 has been filed by the applicant-wife for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/602/2024, titled '*Savitoj Singh Gill Vs. Shweta Sidhu*', filed by the respondent-husband, pending in Family Court, Chandigarh and she seeks transfer of the same to the Court of competent jurisdiction at Bathinda.

TA-1214-2024 has been filed by the applicant-husband for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/1025/2024, titled '*Shweta Sidhu Vs. Savitoj Singh Gill*', filed by the respondent-wife, pending in Family Court, Bathinda and he seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

In pursuance of the notice issued, respective respondents made appearance through counsel in both the applications and filed respective replies.

The counsel for the parties heard.



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For the convenience of discussion, the facts, as well as the parties shall be referred, as pleaded in TA-1214-2024.

At the very outset, it is submitted by the counsel for the applicant-husband that the marriage between the parties to the lis, had taken place on 29.03.2017, 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 the applicant had joined Central Industrial Security Force (CISF), as Assistant Commandant, in the year 2010. At the time of filing of the application, he was posted at Patna, but presently, he is posted in Delhi.

Also, it is submitted that the respondent is a citizen of Canada and is B.Tech. & M.Tech. in Civil Engineering and diploma-holder in Civil Engineering from British Columbia Institute of Technology, Burnaby, Canada. She was working in the corporate sector in Surrey B.C., Canada. Further, it is submitted that on account of the matrimonial dispute, the respondent had filed multiple cases against the applicant. The applicant-husband had filed the petition under Section 13 of the Hindu Marriage Act i.e. HMA/602/2024, which is pending in the Courts at Chandigarh. However, as a counter-blast to the same, the petition under Section 9 of the Hindu Marriage Act i.e. DMC/1025/2024, was filed by the respondent-wife in Bathinda. On account of behaviour of the respondent and her family members, it is submitted that it is not safe for the applicant, to pursue the petition under Section 9 of the Hindu Marriage Act, at Bathinda. In the light of the same, he makes prayer for the said petition to be transferred to Chandigarh and also sought dismissal of the transfer application, relating to the divorce petition, filed at the instance of the respondent.



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However, on the other hand, the counsel for the respondent has resisted the claim of the applicant. He submits that the applicant has concealed the material facts. In fact, the last place, where the parties resided together, was Behror in Rajasthan. However, it has been falsely stated to be Chandigarh, where the divorce petition has been filed. Also, the counsel for the respondent submits that the respondent left her government job with the Insurance Department in Canada and returned to India, solely to save her marriage, but however, the applicant created such circumstances that they have indulged in litigation. The respondent has to look after her aged father. When, the respondent is not having any source of earning, at present, it is difficult for her to commute a distance of 230 kilometres, to defend the divorce petition at Chandigarh. Also, a prayer is made for dismissal of the transfer application i.e. TA-1214-2024.

In view of the rival submissions, at the very outset, it is pertinent to mention that generally, the Courts lean towards the convenience of the wife, while dealing with the transfer applications, relating to the matrimonial disputes. However, it is not a thumb rule. Various other circumstances, spelt out from the material coming on record, ought to be taken into consideration. In the case in hand, even though, the respondent is a citizen of Canada, but she allegedly claims to have returned to India, to save her marriage. She left her government job in Canada. However, these facts have to be adjudicated by the Court concerned, on merits only. The fact remains that the respondent is citizen of Canada. She is B.Tech. and M.Tech. in Civil Engineering and also diploma holder in Civil Engineering. Considering the same, it is quite obvious that the respondent is a well-educated and confident lady.



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At the same time, it also ought to be taken into consideration that the applicant is in a transferable job. At the time of filing of the application, he was posted at Patna, which is at a distance of about 1300 kilometres from Chandigarh. Though, now he is posted at Delhi, but since his job is transferable, at any time, he can be posted anywhere in India. Considering the same and also taking into consideration the convenience/inconvenience of both the parties, Chandigarh is the best option qua the litigation to continue, without prejudice to the rights of the parties to be adjudicated, with regard to Chandigarh having jurisdiction or not.

In view of the aforesaid fact situation, the transfer application i.e. **TA-1214-2024**, filed by the husband is hereby allowed and the second application, filed at the instance of the wife i.e. **TA-50-2025**, for seeking transfer of the divorce petition is hereby dismissed. Thus, the petition under Section 9 of the Hindu Marriage Act i.e. DMC/1025/2024, titled '*Shweta Sidhu Vs. Savitoj Singh Gill*', stands transferred from the Family Court, Bathinda, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Bathinda, to the District and Sessions Judge, Chandigarh.

Learned District and Sessions Judge, Chandigarh, shall assign the said petition to the same Court, where the petition under Section 13 of the Hindu Marriage Act, filed by the husband is already pending. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

The Court concerned shall make an endeavour to adjourn both the cases, preferably for one and same date.

The respondent-wife always has an option to file an application



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for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

20.05.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No