

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.108 (4 cases)

Date of Decision: 29.10.2025
TA-336-2025

1.

MEENAKSHI BAWEJA

....Applicant

Versus

DEEPAK BAWEJA

.....Respondent

2.

TA-1471-2024

MEENAKSHI BAWEJA

....Applicant

Versus

DEEPAK BAWEJA

.....Respondent

3.

CRM-M-4746-2025 (O&M)

MEENAKSHI BAWEJA AND OTHERS

....Petitioners

Versus

DEEPAK BAWEJA

.....Respondent

4.

TA-1656-2024 (O&M)

MEENAKSHI BAWEJA

....Applicant

Versus

DEEPAK BAWEJA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Viren Jain, Ms. Tarranum Madan and
Ms. Jyoti Negi, Advocates
for the applicant/petitioners (in all the cases).



Mr. Vikas Bishnoi, Advocate
for the respondent (in all the cases).

ARCHANA PURI, J. (Oral)

CRM-9803-2025 IN CRM-M-4746-2025 AND

CM-4631-CII-2025 IN TA-1656-2024

The present applications have been filed at the behest of the respondent, for placing on record replies in respective cases, along with the annexures.

In view of the averments made in the applications, same are allowed and the requisite replies along with the annexures are taken on record.

MAIN CASES

These are four cases filed by Meenakshi Baweja-wife, for seeking transfer of the litigation, pending between the parties to the lis.

TA-336-2025 has been filed for seeking transfer of the petition under Section 6 of the Hindu Minority and Guardianship Act i.e. GW/3/2023, titled '*Deepak Baweja Vs. Meenakshi Baweja*'.

TA-1471-2024 has been filed for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/328/2021, titled '*Meenakshi Baweja Vs. Deepak Baweja*'.

CRM-M-4746-2025 has been filed for seeking transfer of the petition under Section 125 of the Criminal Procedure Code i.e. MNT-125/409/2021, titled '*Meenakshi Baweja Vs. Deepak Baweja*'.

TA-1656-2024 has been filed for seeking transfer of the petition



under Section 13 of the Hindu Marriage Act i.e. HMA/13/2023, titled '*Meenakshi Baweja Vs. Deepak Baweja*'.

All the aforesaid cases are pending in the Courts at Mansa and the applicant is seeking transfer of the same to the Court of competent jurisdiction at Gurugram.

In pursuance of the notice issued, the respondent made appearance through counsel in all the four cases. He had filed reply in TA-1656-2024, which is relating to transfer of the divorce petition, as well as in CRM-M-4746-2025, which relates to transfer of the maintenance petition. However, the counsel has given a statement today, that the reply so filed in TA-1656-2024, be considered as reply in connected transfer applications i.e. TA-336-2025 and TA-1471-2024, as well.

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 13.04.2012. Two sons born from the said wedlock, who are in the age group of 7-11 years, are in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate since the year 2021. Thereupon, the applicant, with the purpose to secure good further for her children, had joined B.Ed. course in S.S. College of Education for Girls at Bhikhi, Mansa (Punjab). At the time of pursuing the said degree, the applicant had filed transfer applications, thereby seeking transfer of the petition under Section 6 of the Hindu Minority and Guardianship Act i.e. GW/3/2023, as well as the petition under Section 13 of the Hindu Marriage Act i.e. HMA/13/2023, filed by the respondent, which



were pending in the Courts at Gurugram and she sought transfer of the said cases to the Court of competent jurisdiction at Mansa. Vide order dated 22.11.2022, copy whereof is Annexure A-4 (in TA-336-2025), both the said applications i.e. TA-532-2021 and TA-542-2021, were allowed and both the aforesaid cases were transferred by the said order.

Also, it is submitted that in Gurugram, where the applicant, along with her children was residing, she had filed the petition under Section 125 Cr.P.C. and the petition under the Protection of Women from Domestic Violence Act, which were withdrawn by her. Subsequently, when she started residing at Mansa to pursue the B.Ed. course, she had sought the transfer of the two cases i.e. the divorce petition, as well as the guardianship petition and the same were transferred vide order dated 22.11.2022, the mention whereof is made aforesaid. Even, she had filed the petition under Section 125 Cr.P.C., as well as the petition under Section 9 of the Hindu Marriage Act, which are pending in the Courts at Mansa.

On completion of B.Ed. course, the applicant along with the children is residing at Gurugram. She is in search for good job and both the children are studying in Delhi Public School, Gurugram. Even, it is pointed out that the respondent is residing in Gurugram and in these circumstances, it is difficult for the applicant, to commute a distance of about 300 kilometres, to pursue the guardianship petition, the petition under Section 9 of the Hindu Marriage Act, the maintenance petition, as well as the divorce petition, which are pending in the Courts at Mansa. Furthermore, it is submitted that since the respondent is also a resident of Gurugram, it should not be causing any inconvenience to him, if the cases are transferred to



Gurugram.

On the other hand, counsel for the respondent has resisted the claim for transfer of the aforesaid cases, back to Gurugram. In fact, it is submitted that the respondent is personally pursuing all the cases at Mansa and he is making appearance on each and every date of hearing. Therefore, no case is made out for acceptance of the transfer applications. Furthermore, it is pointed out that the applicant had already completed her B.Ed. course, by the time she had filed the transfer applications i.e. TA-532-2021 and TA-542-2021, for seeking transfer of the petition under Section 6 of the Hindu Minority and Guardianship Act, as well as the divorce petition, respectively, which were decided by this Court on 22.11.2022. In the given circumstances, it is submitted that no case, as such, is made out for acceptance of the transfer applications.

In fact, on query by this Court, it is disclosed by the counsel for the respondent that the respondent did not challenge the order dated 22.11.2022, passed by this Court in TA-532-2021 and TA-542-2021, with regard to transfer of two cases, as mentioned aforesaid, on the ground as now asserted.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts consider the convenience of the wife, while adjudicating on the transfer application relating to the matrimonial dispute. However, the same is not a thumb rule. Various other circumstances, spelt out from the material coming forth, ought to be taken into consideration. One distinctive circumstance may lead to a different decision of the transfer application. Few of the essential factors, which are



required to be taken into consideration are the children born from the broken marriage (if any); which of the spouse is having the custody of the children and the capacity of that spouse to take care of the children. Besides the financial affluence of the parties concerned, the distance between the two places, as well as the other constrained circumstances, ought to be taken into consideration. The convenience of the witnesses is also to be considered, many a times. In the case in hand, two sons born from the wedlock of the parties, who are in the age-group of 7-11 years, are in the care and custody of the applicant, who herself is not having any source of earning. Very true, as spelt out from the material brought on record, that after both the spouses to the estranged marriage had parted ways, the applicant had joined the B.Ed. course at Mansa and this fact is not controverted. Even though, counsel for the respondent submits that the college from where the applicant had pursued the course, relates to the ownership of father-in-law of the brother of the applicant, but however, it matters not much that as to where the applicant was pursuing her course.

Anyway, this fact was not pointed out by the respondent, at the time, when earlier transfer applications were considered by the Coordinate Bench and the order passed on the transfer applications, as observed aforesaid had also not been challenged by the respondent. However, pursuing of the B.Ed. course by the applicant, after both the spouses parted ways, was seemingly to improve her educational qualification, with a purpose to carry on with the future life. After completion of this course, the applicant had gone back to Gurugram, where her parents are residing and she is in search of a good job. Both the children are also residing and



studying in Gurugram. In these circumstances, this Court can very well invoke the jurisdiction of Section 24 CPC, to re-transfer the cases earlier transferred from Gurugram to Mansa i.e. the guardianship petition, as well as the divorce petition, more particularly, taking into consideration the fact of the respondent already residing at Gurugram.

Though, much resistance has been shown by the counsel for the respondent, to not accept the transfer applications, but however, no satisfactory reason in this regard, is coming forth. The respondent himself is residing at Gurugram and therefore all the more, it is bound to be convenient for him also, to pursue the litigation, arising from the matrimonial dispute, if transferred to Gurugram. Above all, the prime interest to be considered, is of the children, who are residing and studying at Gurugram. In these circumstances, it shall be too harsh for the children also, if the applicant is made to pursue the litigation, if it remains pending at Mansa.

Considering all the aforesaid circumstances, it is just and expedient to accept the applications. Hence, the transfer applications/petition i.e. TA-336-2025, TA-1471-2024, CRM-M-4746-2025 and TA-1656-2024, are hereby allowed and the petition under Section 6 of the Hindu Minority and Guardianship Act i.e. GW/3/2023, titled '*Deepak Baweja Vs. Meenakshi Baweja*', petition under Section 9 of the Hindu Marriage Act i.e. HMA/328/2021, titled '*Meenakshi Baweja Vs. Deepak Baweja*', petition under Section 125 of the Criminal Procedure Code i.e. MNT-125/409/2021, titled '*Meenakshi Baweja Vs. Deepak Baweja*', as well as the petition under Section 13 of the Hindu Marriage Act i.e. HMA/13/2023, titled '*Meenakshi Baweja Vs. Deepak Baweja*', stand



transferred from the Courts at Mansa, to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid cases be sent by the Court(s) concerned at Mansa, to the District and Sessions Judge, Gurugram.

Learned District and Sessions Judge, Gurugram, shall assign the said cases to the Court(s) of competent jurisdiction at Gurugram. Even, the parties are directed to appear before the concerned Court(s), within a period of one month from today onwards.

After pronouncement of the aforesaid order, counsel for the respondent submits that some time bound direction be given to the Court(s) concerned to deal with the aforesaid cases. However, without knowing about the pendency of the cases before the Court(s) concerned, where the cases shall be transferred by the District and Sessions Judge, it shall not be appropriate for this Court, to give any time bound direction. Anyhow, the respondent always has an option to make a request before the Court(s) concerned, where the cases shall be transferred and the Court(s) concerned shall consider the same and pass an appropriate order, in the fitness of the circumstances.

29.10.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No