



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

Sr. No.104**TA-578-2023****Date of Decision: 02.05.2025****SHEVETA @ SHEVETA SEHGAL****....Applicant****Versus****ANUJ PURI****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Rahul Arora, Advocate
for the applicant.

Mr. Gaurav Verma, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant/wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/512/2021 titled “Anuj Puri v/s Sheveta Sehgal”, filed by the respondent/husband, which is pending in the courts at SAS Nagar and she seeks transfer of the same to the court of competent jurisdiction at Ferozepur, District Punjab.

Upon notice, the respondent made appearance through counsel and filed the reply.

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 08.12.2015 and no child was born from the said wedlock. However, at the time of marriage, the applicant was doing job as Assistant Professor (DPI) on long term basis at A.S.College,



Khanna, District Ludhiana. However, she had resigned from the said job, on account of harsh circumstances, being faced by her, after the marriage. Thereafter, she had applied for the post of Assistant Professor at Mata Gujri College, Fatehgarh Sahib, where she is presently working. It is further submitted that the applicant had got lodged one FIR in Police Station, Mataur, SAS Nagar, in which challan has been presented and the respondent is facing trial. Besides the same, the applicant has also filed petition under Section 12 of Protection of Women from Domestic Violence Act, which is pending in the courts at Patiala.

Furthermore, it is submitted by the counsel for the applicant that the brothers and sister of the applicant are the permanent residents of Canada and therefore, she has to look after her aged parents, who are the residents of Ferozepur. On this account, she makes a prayer for transfer of the divorce petition.

On the other hand, counsel for the respondent, while making reference to the reply filed, submits that the applicant has not come to the court with clean hands. In fact, she has suppressed the fact of her residing at Mohali. In this regard, counsel has made reference to Annexure R-1, which is the copy of the petition under Section 482 read with 439(2), Cr.P.C., filed at the instance of the applicant, for cancellation of anticipatory bail, granted to the respondent/husband. In fact, it is submitted that therein, the applicant has categorically stated about herself to be the resident of Mohali, more particularly, when the applicant had filed the transfer application, prior to the date of filing of this application.

It is further submitted that the applicant is bound to stay at Fatehgarh Sahib, where she is doing job, which is at a distance of about 185 kms from Ferozepur, as it is difficult to make up and down everyday.



In view of the aforesaid, it is pertinent to mention that even though, generally the courts lean towards the convenience of the wife in the transfer applications relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances coming forth, ought to be taken into consideration. The applicant is undisputedly working as Assistant Professor at Mata Gujri College, Fatehgarh Sahib, which is at a distance of about 185 kms. Though in the transfer application, it is not stated, as to whether she is staying at Fatehgarh Sahib or she is making up and down, on query, counsel for the applicant submits that applicant is making up and down, everyday. The distance mentioned in the transfer application is 230 kms one side. In the minimum, as per the distance, so stated, the applicant is required to travel for a distance of 460 kms, in a day, which is impossible to do so, on a regular basis, as asserted.

Furthermore, it is pertinent to mention that the criminal case is already pending in the courts at Mohali. Besides the same, there is clever manner of not disclosing the actual address of the applicant in the present application, as it is submitted that the applicant is residing at Ferozepur city. However, it has been rightly pointed out by the counsel for the respondent that in the petition for cancellation of bail, the applicant had mentioned only the address of Mohali. On query by the court, it is submitted that it is the address of the husband. Even it be so, it is pertinent to mention that the transfer application was filed on 02.05.2023 and therein the applicant has not mentioned about the address of Mohali, whereas, in the subsequent petition, copy whereof is Annexure R-1, having filed on 19.07.2023, the applicant has mentioned the address of Mohali. This, in itself, reflects about the clever manner of not disclosing the correct address of the applicant.



Besides the aforesaid, if the applicant could pursue her job at Fatehgarh Sahib, it shall not be difficult for her to pursue the divorce petition, pending at a distance of about 25 kms only, from her work place, more particularly, when she is not required to make appearance, on each and every date of hearing.

Considering the aforesaid circumstances, wherein there is intentional effort made to conceal the material fact of the address of the residence of the applicant, no case is made out for allowing the transfer application. Hence, the same is hereby dismissed.

02.05.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No