

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

Sr. No.104

**TA-987-2024 (O&M)
Date of Decision: 22.08.2025**

MANOJ KUMAR

....Applicant

Versus

LAVANYA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Virender Kumar, Advocate
for the applicant.

Mr. Yowan Sharma, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

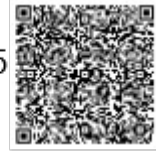
CM-16691-CIL-2025

The present application has been filed at the behest of counsel for the applicant, for placing on record rejoinder to the reply filed by the respondent.

In view of the averments made in the application, same is allowed and the requisite rejoinder is taken on record.

Main case

The applicant-Manoj Kumar has filed the present application for seeking transfer of the maintenance petition, under Section 20 of the Hindu Adoptions and Maintenance Act, 1956 i.e. MNT/51/2021, titled '*Lavanya Vs. Manoj Kumar*', filed by the respondent (daughter of the applicant), pending in the Courts at Panchkula and he seeks transfer of the



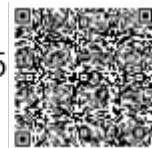
same to the Court of competent jurisdiction at Chandigarh.

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

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage of the applicant and the mother of the respondent, namely, Parveen Kumari, was performed on 07.12.2004. Respondent was born from the said wedlock, on 08.09.2005. However, on account of the matrimonial dispute, the applicant and his wife, are residing separate. The respondent is residing with her mother. Both the applicant and his wife, are entangled in matrimonial litigation. Today, counsel for the applicant has produced detail of the litigation pending between the applicant-Manoj Kumar and Parveen Kumari, at various places i.e. High Court, Panchkula Courts and Bhiwani Courts. He has also made reference to paragraph No.5 of the application, which states about some of the litigation pending between the applicant and his wife. Further, it is submitted that earlier, the respondent had filed the petition under Section 125 Cr.P.C., in the Courts at Bhiwani and therein, maintenance was fixed by the Court, to the extent of Rs.15,000/- per month. Since, the said amount was allegedly inadequate, after having shifted to Panchkula, the petition under Section 18 of the Hindu Maintenance and Adoptions Act, 1956, was filed.

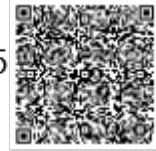
Also, it is submitted that Parveen Kumari, mother of the respondent is having an illicit relationship with Yowan Sharma, who is practising Advocate in District Courts, Panchkula and also is the counsel for the respondent. The wife of the applicant is working as 'Assistant District Attorney' in the Courts at Panchkula. As such, it is submitted that they both



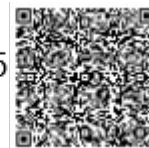
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exercise influence upon the Court concerned, to have favourable orders. In this regard, while making reference to various zimini orders at page No.39 to 46 of CM-16691-CII-2025, passed by the Court, in CHI-562-2020, titled '*State Vs. Manoj Kumar*', which is pending in the Courts at Panchkula, it is submitted by the counsel that Parveen Kumari, had appeared as State counsel, in the said case, on 14.08.2024, 10.09.2024, 24.09.2024, 14.10.2024, 05.11.2024, 07.01.2025 and 07.05.2025. Also further, it is submitted that in the pending litigation, an application for leading additional evidence has also been filed at the instance of Parveen Kumari, for recall of complainant-Diksha. In the given circumstances, it is submitted that Parveen Kumari is meddling in the litigation between the parties and that too without disclosing her relationship with the accused-Manoj Kumar, to the Court concerned, where the criminal case was pending, she continued to appear as State counsel. There is meddling of affairs by the mother of the respondent, on which account, the applicant has an apprehension of exercise of influence, at the instance of Parveen Kumari, in the maintenance petition, filed by the applicant-Lavanya.

Also, the counsel for the applicant submits that relating to the aforesaid conduct of Parveen Kumari, the applicant had filed various complaints before the concerned Court, where the criminal case aforesaid was pending, District and Sessions Judge, Panchkula, High Court, as well as employer department of Parveen Kumari, but till date, no action, as such, has been taken upon the said complaints. In the given circumstances, the counsel submits that the applicant has an apprehension of exercise of influence upon the Court, as well as, threat to his life, at the instance of the mother of the applicant, on which account, he seeks transfer of the case.



On the contrary, counsel for the respondent, while making reference to the reply, submits that there is a matrimonial dispute between the applicant and Parveen Kumari, but however, false allegations have been made, *vis-a-vis*, inter-meddling of the mother of the respondent, in the pending litigation at Panchkula. In fact, it is submitted that in the criminal case i.e. CHI-562-2020, Parveen Kumari, had made appearance, only as a stop-gap arrangement, on account of other Assistant District Attorney, being on leave, at the relevant time. Also, the counsel has brought to the notice of the Court that transfer of the case is sought, only on account of exposure of the conduct of the applicant, with regard to second marriage having performed illegally, during subsistence of first marriage and also having an illegitimate child, which is an open story in the Courts at Panchkula. Furthermore, the counsel has also made reference to Annexure P-9 i.e. CRM-M-39366-2023, filed at the instance of the applicant-Manoj Kumar, wherein, he had sought transfer of the execution petition, relating to recovery of arrears of maintenance, from the Courts at Bhiwani to Panchkula. This criminal miscellaneous petition was taken up on 10.07.2024 and it is submitted that after procuring *dasti* order in the said case, from the Coordinate Bench, the present application was filed for seeking transfer of the maintenance petition filed by Lavanya. After few days of passing of the aforesaid order dated 10.07.2024, the present application was filed on 14.08.2024. At the time of filing of filing CRM-M-39366-2023 also, the mother of the respondent was posted in the Courts at Panchkula and at that time, the applicant had not made any objection and thereafter, in a smart manner, he had moved an application for transfer of the maintenance petition, from Panchkula to Chandigarh. As such, a prayer has

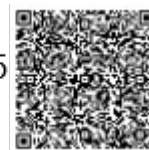


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been made for dismissal of the transfer application.

Be that as it may, the applicant and his wife are entangled in litigation, on account of their matrimonial dispute. This is one aspect, which need not be taken into consideration, in the present application. However, the conduct of the applicant and the motive of the respondent, in the manner, in which they are operating, ought to be noted by this Court. Very true, as pointed out by the counsel for the respondent that the mother of the respondent i.e. Parveen Kumari, made appearance as State counsel, in the criminal case, but however, this is a reprehensible conduct. In fact, it was required on the part of Parveen Kumari, to immediately bring it to the notice of the Court concerned, where the case was pending, about her relationship with the accused i.e. Manoj Kumar, that it was not so done. In the said case, Parveen Kumari had not made appearance once, rather, there were repetitive appearances made by her. In the given circumstances, it cannot be ruled out that Parveen Kumar inter-meddled in the pending criminal litigation, with some purpose or making an exaggerated effort to secure the success of the case, against Manoj Kumar.

At the same time, the conduct of the applicant is also not above board. Perusal of Annexure P-9, categorically reveals about the manner, in which the execution petition, relating to recovery of arrears of maintenance, on the basis of order passed in the petition under Section 125 Cr.P.C., was sought to be transferred by the applicant-Manoj Kumar, from Bhiwani to Panchkula. When this petition was taken up by the Coordinate Bench on 10.07.2024, interim stay was granted. At that time, the applicant-Manoj Kumar, did not have any grievance, on account of mother of the respondent, being posted in the Courts at Panchkula. It was only subsequent to securing

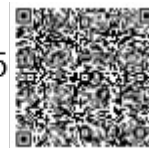


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of interim stay in the aforesaid criminal miscellaneous petition, that the present application has been filed, only with a purpose to seek transfer of the maintenance petition, from Panchkula to Chandigarh. This is also a very reprehensible conduct, on the part of the applicant-Manoj Kumar.

In the light of the aforesaid circumstances, both the parties are trying to befool the Courts, for their own vested interest, in an exaggerated effort to seek transfer of the cases, criss-cross, with a sole purpose to harass each other. The provision of law for transfer of the cases, is to consider the convenience/inconvenience of the parties and it should not be used a tool for harassment. However, in the case in hand, both the parties are attempting to attack each other personally, under the garb of litigation, while befooling the Courts, with their conduct. Looking at the kind of litigation pending between the parties at various places and also the attempts made them to seek transfer, without bringing the facts and circumstances of the cases to fore, it is evident that the conduct of the applicant and his wife-Parveen Kumari, is not appropriate.

Very true, the Courts are supposed to consider various circumstances, with regard to transfer of the case and one of them is that *‘justice should not only be done, but it should also be appear to be done’*. However, the applicant is a smart fellow, who is following his litigation, by not bringing out the factual position, having bearing on the decision of the transfer application. Considering the same, it cannot, in any case, be held that he has any apprehension of injustice to be done to him, at the instance of mother of the respondent, more particularly, in view of the observations made aforesaid. As such, no case is made out to accept the transfer application.



However, the conduct of both the applicant-Manoj Kumar, as well as his wife-Parveen Kumari, who is posted as ‘Assistant District Attorney’ in the Courts at Panchkula, is not above board. Parveen Kumari did not follow the ethics of law, while not informing the Court, where the criminal case was pending, about her relationship with the accused-Manoj Kumar and had appeared in the same as State Counsel. The said conduct of Parveen Kumari, be noted by the District and Sessions Judge and he should ensure that Parveen Kumari not to appear as State counsel, in any case arising out of her matrimonial dispute with the applicant-Manoj Kumar.

So far as, assertion of exercise of influence, to get favourable order, is concerned, the Court concerned also, shall remain vigilant, with regard to conduct of both the applicant, as well as mother of the respondent, namely, Parveen Kumari, who is working as ‘Assistant District Attorney’ and deliver the verdict, as and when required fearlessly.

In view of the aforesaid terms, the transfer application is hereby **dismissed.**

22.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No