



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

Sr. No.107

TA-1250-2024 (O&M)
Date of Decision: 09.07.2025

CHHAYA

....Applicant

Versus

VIVEK GIRDHAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sushil Bhardwaj, Advocate
for the applicant.

Mr. Ankur Dua, 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. DMC/994/2023, titled '*Vivek Girdhar Vs. Chhaya*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

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

The 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 07.12.2020, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant has no source of earning. Also, it is submitted that the respondent is facing trial in the Courts at Gurugram, relating to FIR bearing No.180



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dated 02.10.2022, under Sections 323, 34, 354, 406 and 498-A IPC, got lodged by the applicant at Women Police Station, West Gurugram. Besides the same, the applicant has also filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. DV/212/2022, which is also pending in the Courts at Gurugram and respondent is making appearance in the same. In these circumstances, it is submitted that it is difficult for her to commute a distance of about 95 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the applicant has not come out with truth and has suppressed the material fact of running coaching centre, under the name and style of 'Chhaya Coaching Centre' and earning Rs.25,000/- per month. Besides the same, it is also submitted that she is working in the gift shop in Gurugram and therefore, she is financially sound. Furthermore, it is submitted that false FIR has been got registered against the respondent and his family members, under the influence of one Rajinder Tomar, who is close relative of the respondent and is employed in the police department. As such, a prayer has been made for dismissal of the transfer application.

In view of the submissions aforesaid, it is pertinent to mention that though, the respondent had stated about the applicant to be running a coaching centre and also working in the gift shop, but however, no material to substantiate the source of earning, has been placed on record, except asserting about the same in the reply. It is a categorical claim of the applicant that she has no source of earning. Considering the same, also it is pertinent to mention that the respondent is already facing trial in the criminal case, got registered by the applicant, which is pending in the Courts at Gurugram.



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Even, he is contesting the petition under the Protection of Women from Domestic Violence Act.

In view of the aforesaid fact situation and also considering the distance between the two stations, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/994/2023, titled '*Vivek Girdhar Vs. Chhaya*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Gurugram.

Learned District and Sessions Judge, Gurugram, shall assign the said petition to the Family Court, Gurugram. Even, the parties are directed to appear before the Family Court, Gurugram, within a period of one month from today onwards.

Pending civil miscellaneous application also stands disposed of.

09.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No