

2025:PHHC:055648



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

TA-1672-2024(O&M)

Date of Decision: April 30, 2025

Sheetal

...Applicant

Versus

Sudhir Singh and another

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Aman Redhu, Advocate
for the applicant.

Mr.Kartar Singh Malik-I, Advocate
for respondent No.1.

ARCHANA PURI, J.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13(i) (ia) of the Hindu Marriage Act, filed by respondent-husband bearing No.DMC-352-2024, titled 'Sudhir vs. Sheetal and another', which is pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

Upon notice, contesting respondent No.1 has made appearance through counsel.

Learned counsel for the parties heard.

It is submitted by learned counsel for the applicant that marriage between the parties to the lis, had taken place on 05.05.2011. However, no child was born from the said wedlock. On account of



matrimonial dispute, the parties are residing separate. Also, it is submitted that the applicant was earlier working as Assistant Professor in Rohtak Institute of Engineering and Management. However, now she is working as Assistant Manager, at PNB Housing Ltd., Gurugram.

It is further submitted that respondent No.1 is a practising Advocate in District Bar Association, Rohtak and therefore, applicant apprehends chances of altercation, as and when, she proceeds to Rohtak for pursuing the divorce petition. Also, it is submitted that there are chances of influencing the trial of the case, at the instance of respondent No.1.

On the other hand, learned counsel for respondent No.1 submits that the applicant is in adulterous relationship with respondent No.2 and therefore, she should not be given any benefit of transfer of the divorce petition to the place, where she is residing.

In view of the rival submission, it is pertinent to mention that the plea of adulterous relationship has been raised by respondent No.1, in the reply and the same forms the basis of the divorce petition, copy whereof is Annexure P-1. In the given circumstances, it shall not be appropriate for this Court to make any reference about this adulterous relationship, more particularly, when the matter relating to the same, is pending before learned trial Court.

However, it is not disputed that respondent No.1 is practising Advocate in District Bar Association, Rohtak. Even though, the member of the Bar may not exercise any influence or also altercation may not take place, but however, applicant apprehends the altercation. Justice should not



only be done, but it should also appear to be done. The litigant should also have the confidence of the influence, not being exercised in any manner.

In the given circumstances, to rule out the same, it shall be appropriate, if the present transfer application is accepted. However, it is pertinent to mention that the applicant is permanent resident of Jhajjar, which is approximately mid-point station between Rohtak and Gurugram. Considering the convenience of both the applicant as well as respondent No.1, it shall be appropriate, if the divorce petition is transferred from Rohtak to Jhajjar, which shall also reduce the travelling time of respondent No.1.

In view of the aforesaid observations, the transfer application is allowed and the petition under Section 13(i) (ia) of the Hindu Marriage Act, filed by respondent-husband bearing No.DMC-352-2024, titled ‘Sudhir vs. Sheetal and another’, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Rohtak to the District and Sessions Judge, Jhajjar.

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

April 30, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No