



TA-143-2026 (O&M); TA-1387-2025 (O&M) AND
TA-1382-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.118 (3 cases)

Date of Decision: 23.03.2026

1. TA-143-2026 (O&M)

VINEET SHARMA

....Applicant

Versus

PAYAL SHARMA

.....Respondent

2. TA-1387-2025 (O&M)

VINEET SHARMA

....Applicant

Versus

PAYAL SHARMA

.....Respondent

3. TA-1382-2025 (O&M)

VINEET SHARMA

....Applicant

Versus

PAYAL SHARMA

.....Respondent



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TA-1382-2025 (O&M)

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Amrit Singh Kang, Advocate
for the applicant (in all the cases).

Mr. Ravi Kamal Gupta, Advocate
for the respondent (in all the cases).

ARCHANA PURI, J. (Oral)

CM-1896-CII-2026 IN TA-143-2026;
CM-21868-CII-2025 IN TA-1387-2025 AND
CM-21816-CII-2025 IN TA-1382-2025

Keeping in view the averments made in the applications, same are allowed.

CM-6192-CII-2026 IN TA-143-2026

The present application has been filed, at the behest of the applicant, for placing on record the zimini orders dated 11.02.2026 and 12.02.2026, as Annexures P-12 and P-13.

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

Main cases

These are three applications, filed by Vineet Sharma-applicant/husband, for seeking transfer of three litigations, pending between the parties to the lis, arising from the estranged marriage.



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TA-143-2026 has been filed for seeking transfer of the petition under Section 25 of the Guardians and Wards Act i.e. GW/5/2022, titled '*Vineet Sharma Vs. Payal Sharma*', filed at the instance of the applicant/father (husband of the respondent), thereby seeking custody of the minor son, born from the wedlock of the parties to the lis.

TA-1387-2025 has been filed for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/164/2022, titled '*Vineet Sharma Vs. Payal Sharma*'.

TA-1382-2025 has been filed for seeking transfer of the petition under Section 25 of the Guardians and Wards Act i.e. GW/39/2021, titled '*Payal Sharma Vs. Vineet Sharma*', filed at the instance of the respondent/mother (wife of the applicant), thereby seeking custody of the minor daughter, born from the wedlock of the parties to the lis.

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

In pursuance of the notice issued, respondent/wife made appearance through counsel and filed replies in the respective applications.

Counsel for the parties heard.

As culled out from the paperbook, the facts germane to be noticed are that, there is a matrimonial dispute between the parties to the lis.

Applicant-Vineet Sharma, is a resident of Ludhiana and is a practising Advocate. Respondent-Payal Sharma, is a resident of Dhuri and she is



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presently working as a teacher in Kendriya Vidyalaya No.I, Adampur, Jalandhar. Two children were born from the wedlock of the parties. The elder child is the daughter, who is about 15 years old and she is in the care and custody of the applicant/father, whereas, the younger child is a son, who is about 11 years old and he is in the care and custody of the respondent/mother. However, on account of matrimonial dispute, the parties are residing separate.

It is on account of bias, on the part of the Presiding Officer towards the applicant and not showing good conduct towards him, that the applicant/husband, has filed all the three transfer applications, relating to the aforesaid litigation.

In fact, while making reference to various zimini orders, passed by the Presiding Officer, thereby declining the request of the applicant, for adjournment and primarily, closing the evidence of the applicant (who is petitioner in the divorce petition, detailed aforesaid), on 01.10.2025, counsel submits that the applicant apprehends about the Presiding Officer of the Family Court to be biased against him. Further, counsel submits that in the guardianship petition i.e. GW/5/2022, vide order dated 26.11.2025, last opportunity was granted to the applicant (petitioner in the guardianship petition), to lead evidence and on the next date i.e. 10.12.2025, his evidence was closed by order. However, in the guardianship petition i.e. GW/39/2021, though, vide order dated 06.08.2025, last opportunity was granted to the respondent/mother (petitioner in the guardianship petition), to



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lead evidence, but however, on the subsequent date i.e. 24.09.2025, an adjournment was sought, which was granted, subject to last and final opportunity. Considering such conduct, counsel submits that the applicant does not expect getting justice from the Presiding Officer and therefore, he is seeking transfer of the aforesaid cases, from the Courts at Dhuri to the Court of competent jurisdiction at Sangrur.

On the other hand, counsel for the respondent, while making reference to the reply and annexures R-1 to R-10, submits that transfer applications have been filed with a malafide intent, based on baseless and unsubstantiated material. The said transfer applications are misconceived and constitute gross abuse of the process of law. In fact, counsel for the respondent has taken the Court through various orders, passed in the pending litigation to pinpoint about the reckless conduct of the applicant and his family members, in filing the transfer applications, only with a vested interest to stall the litigation and overawe the Presiding Officers. In the light of the same, it is submitted that no case is made out for acceptance of the transfer applications.

In view of the submissions aforesaid, it is pertinent to mention that, time and again, broad propositions have been laid down by the Courts, as to what may constitute a ground for transfer of the case. The exercising of power under Section 24 of the Civil Procedure Code, is discretionary. It is always for the Court to find out, from the allegations so made, whether any reasonable ground is made out, for transfer of the case and the Court



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must be satisfied that good atmosphere is likely to be extended between the parties, if the case is transferred, reposing full confidence upon the Court of justice. However, the discretion under this Section, ought to be exercised, with extreme care and caution.

In any case, while adjudicating on the transfer application relating to the matrimonial dispute, the Courts generally take into consideration the conduct of the parties concerned, *inter se*. However, in the case in hand, such is not the factual position. In fact, the allegation of being biased, has been raised against the Presiding Officer. When transfer of a case is sought, on the allegation of the Presiding Officer being biased, or on the ground of not getting fair trial/justice, it becomes the bounden duty of the Court to ascertain, as to whether the ground of transfer has been substantiated by the litigant or not, since transfer of the case on such grounds casts aspersion upon the integrity and competence of the Presiding Officer. The petition filed under Section 24 CPC, seeking transfer of the case, shall not be based on conjectures and mystic maybes. The onus to substantiate about the apprehensions to be reasonable, genuine and justifiable, is on the person, who alleges the bias.

However, mere allegation of bias, by itself is no ground to be considered. In this regard, beneficial reference is made to the judgment dated 28.10.2024, passed by High Court of Kerala in ***TR.P. (CRL.) No.43 of 2024, Neutral Citation ID: 2024:KER:80260***. The Court while



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considering the said transfer petition, wherein allegations were raised against the Presiding Officer, had made observations as hereingiven:-

“XXXX XXXX XXXX XXXX

10. Apart from the above, the pleadings in the present transfer petition indicate that except for a few vague allegations of bias, no specific case is made out for a transfer of the case. A mere allegation of bias by itself can weaken the very edifice of the judicial system and even erode the confidence of the Officer. An allegation of bias against a Judicial Officer is a matter of serious concern. Reckoning the nature of duties bestowed upon a judicial officer and allegations of bias cannot be permitted to be raised without any bias and on mere surmises and assumptions. A judicial officer cannot be browbeaten to suit the convenience of a party to a lis. Unless the allegations of bias against a judicial officer are sturdy and impregnable, courts cannot rely on mere apprehensions to transfer cases from one court to another. In fact, merit less allegations of bias against a judicial officer ought to be sternly and ruthlessly dealt with.

11. A judicial officer is expected to dispense justice to the best of his ability. While dealing with a case, a judicial officer will have to issue several orders. The orders are issued as the circumstances warrant. In that process, orders adverse to a party will have to be issued. Adverse orders by themselves cannot be reasons to doubt the integrity of the judicial officer. The aggrieved certainly have remedies before the higher forum.

*12. Of course, each case will have to be dealt with on the basis of facts arising therein. In the decision in **Abraham Thomas Puthooran v. Manju Abraham and Another (2022 (1) KLT 317)**, a Division Bench of this Court observed that when the*



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transfer of a case is sought on the allegation of bias of the Presiding Officer of a Court or on the ground of fear of not getting justice, it becomes the bounden duty of the Court to ascertain as to whether the ground of transfer has been substantiated by the litigant or not, since transfer of a case on such grounds casts aspersions upon the integrity and competence of the Presiding Officer. It was further observed that a petition seeking transfer of the case shall not be based on conjectures and mystic maybes and the onus is on the person who alleges bias to substantiate that his apprehensions are reasonable, genuine and justifiable.

*13. In **Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant and Others [(2001) 1 SCC 182]**, the Supreme Court held that mere general statements will not be sufficient for the purposes of indication of ill-will. There must be cogent evidence available on record to come to the conclusion as to the existence of any element of bias which has resulted in the miscarriage of justice. Similarly, in **State of Punjab v. Davinder Pal Singh Bhullar and Others [(2011) 14 SCC 770]**, the Supreme Court had observed that there may be cases where allegations may be made against a Judge of having bias/prejudice at any stage of the proceedings or after the proceedings are over. There may be some substance in it or it may be made for ulterior purposes or in a pending case to avoid the Bench if a party apprehends that judgment may be delivered against him. Suspicion or bias disables an official from acting as an adjudicator. Further, if such an allegation is made without any substance, it would be disastrous to the system as a whole, for the reason, that it casts doubt upon a*



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Judge who has no personal interest in the outcome of the controversy.

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In this backdrop, now adverting to the case in hand, it is pertinent to mention that the conduct of the Presiding Officer is allegedly biased towards the applicant and soft towards the wife. Primarily, to so assert, counsel for the applicant has relied upon the order dated 01.10.2025, passed by the Presiding Officer in the divorce petition i.e. HMA/164/2022, which is reproduced in verbatim, as hereingiven:-

“XXXX XXX XXX XX

As per the directions of the Hon’ble High Court, Sh. C.P. Bhatia, Advocate is appointed as Local Commissioner. His fee is assessed Rs.400 per witness. RW-3 Parmod Kumar is present. The learned counsel for petitioner moved an application for adjournment. After hearing the learned counsel for the petitioner, I am of the considered view that till date no transfer application is moved and no transfer order has been received from the Competent Authority. So, there is no ground to adjourn the matter. So, application is declined. Again before starting the cross examination of RW-3 Parmod Kumar, second application for adjournment was moved mentioning the same grounds that the petitioner wants to move the transfer application within a week but there is no ground to adjourn the matter for cross examination of the present witness which is already tendered by the petitioner and whose cross examination was deferred on previous date. So, the second application is also dismissed. The learned counsel for the respondent cross examined the witness RW-3 Parmod Kumar at a length and



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again at 12:45 PM made a request to defer the cross examination of the witness which is declined as no ground was there to adjourn the matter. The learned counsel for the petitioner requested to pass the order and give them date for further proceedings. As the request for adjournment is declined and the counsel for the petitioner is not ready to cross examine the present witness further, so the further cross examination of the present witness RW-3 Parmod Kumar is ordered to be treated as nil. Now, case stands adjourned to 29.10.2025 for remaining respondent evidence.”

Perusal of the aforesaid order reveals that an application for adjournment was moved by the applicant, but since no transfer application was filed and further, no transfer order was received, the request so made, was declined. Thereafter again, while conducting the cross-examination of RW-3, Parmod Kumar, another application for adjournment was moved by the applicant and the same was also declined, precisely on the same ground and thereafter, the cross-examination was further conducted. At 12:45 p.m., a request was made by the counsel for the applicant/petitioner to defer the cross-examination of RW-3, Parmod Kumar and the same was also declined. Thereupon, counsel for the applicant/petitioner requested to pass an order and give a date for further proceedings. In the light of the same, the Court concerned had further observed that since the request for adjournment was declined, counsel for the applicant/petitioner was not ready to cross-examine the witness i.e. RW-3, Parmod Kumar and as such, cross-examination of the



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said witness was ordered to be treated as nil and the case was adjourned further for 29.10.2025, for remaining evidence.

Keeping in view the contents of the aforesaid order, a query was put by this Court to the counsel for the applicant, as to whether, the aforesaid order was challenged or not. In response thereto, counsel submits that civil revision was filed by the applicant, but the same was withdrawn. However, neither details of the same, have been disclosed in the transfer applications, nor copies of the civil revision and the order of withdrawal, passed thereupon, have been placed on record. Further, on query by this Court, it is disclosed by the counsel that after passing of the aforementioned order, the evidence of the respondent/wife has been recorded and the divorce petition is at final stage. Furthermore, it needs to be pointed out that in the guardianship petition i.e. GW/5/2022, filed by the applicant, his evidence was closed by order, as evident from the zimini order dated 10.12.2025, copy whereof is placed on record. Perusal of the same reveals that the evidence of the applicant/petitioner was closed, as numerous opportunities were already availed and despite last opportunity, no evidence was led. In the light of the same, the case was adjourned further, for the evidence of respondent i.e. Payal Sharma.

On query by this Court, counsel for the applicant has candidly admitted that the order of closing of the evidence, by order, was not further challenged. Also on further query, he has disclosed that the evidence of the respondent-Payal Sharma, is being recorded by learned trial Court in the



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guardianship petition i.e. GW/5/2022. So far as, granting of opportunity to the respondent/wife, to lead evidence in guardianship petition i.e. GW/39/2021, is concerned, no doubt, the same was granted, but however, the said order singularly, does not smell malice, more particularly, when the factual position, relating to the date of institution of the said case(s) and the number of opportunities granted to lead evidence, is not spelt out, from the material brought on record.

A judicial officer is tasked with the onerous duty of deciding the cases. Invariably, one party to the case would lose and go back unhappy. Many a times, disgruntled elements amongst them, wanting to settle scores, may raise frivolous allegations. The trial Courts work under tremendous work pressure and also, many a times, there are trying working conditions. Looking at the number of cases the judicial officers handle in a day, often, they give their best, while discharging the duties, but many a times, if they insist any party, for recording and completion of the testimony of any witness, the parties concerned draw different inferences about the Presiding Officer to be biased. Day in and day out, during the course of hearing of the cases, the trial Courts do make an effort to persuade the parties, more particularly, in the matrimonial litigation, to go in for amicable settlement. Therein also, various kinds of allegations are raised, with regard to the conduct of the Presiding Officer. While considering the number of opportunities given, the Court passes any order, with regard to closing of the evidence and it does not *ipso facto* lead to a conclusion about the conduct of



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the Presiding Officer to be biased, more particularly, as in the case in hand, when the order of the closing of evidence in the pending litigation, has not been challenged further.

Discharging the duties with the purpose of maturing the cases and early disposal of the same, without nothing further coming on record, does not amount to ill-will/bias, towards the party, so alleging. One has to keep in mind about the volume of work, handled by the district Judiciary and also the anxiety of the Presiding Officer to conduct the proceedings, on account of culmination of trial, as well as, denial of adjournment of the case, as in the case in hand and as such, the same, in any manner, do not reflect any biased attitude of the Presiding Officer. As such, the allegations are quite vague, as the same are not substantiated by any satisfactory material.

Not only this, it is essential to make reference to various orders passed by the Courts in other litigation, filed at the behest of the family members of the applicant/husband, which relate to the matrimonial dispute of the applicant with the respondent. Various transfer applications have been filed, relating to the said cases as well. Rather, in the replies, the detail of manner of conducting of the proceedings, in the pending litigation, which are sought to be transferred by the applicant and his family members, has been reproduced. The applicant-Vineet Sharma, had also filed a suit i.e. CS/5488/2021, for damages to the tune of Rs.1,00,00,000/-, against the respondent and her parental family. Therein, an application under Order 6 Rule 17 CPC was filed, whereupon order dated 04.12.2025 has been



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passed, copy whereof is produced on record as Annexure R-2. Therein, the Court concerned has categorically observed about the manner, in which the application under Order 7 Rule 11 CPC was allowed and thereafter, despite repeated opportunities, the applicant-Vineet Sharma, did not comply with the same and in fact, he had filed one application or the other, to thwart the implementation of the order, so passed, with regard to furnishing of the Court fee. The application under Order 6 Rule 17 CPC, was ultimately rejected and the requisite order of dismissal has not been further challenged. Also, the transfer application relating to the aforesaid civil suit was filed and the same was also dismissed by the Principal Judge, Family Court, Ludhiana, where the case was pending. Further, the observations with regard to mere apprehension, in the mind of the applicant, that justice will not be delivered to him, were made. Copy of the said order passed in the transfer application is Annexure R-9. Furthermore, in the petition under Section 125 Cr.P.C., Divya Sharma, sister of the applicant, had filed an application for seeking transfer, which was also declined by the Principal Judge, Family Court, Ludhiana.

Suffice to consider the aforesaid orders, solely for the purposes to conclude about the steps having been taken, by way of filing of transfer applications, to cause harassment to the respondent and her family members and also to cause delay in the outcome of the matrimonial litigation.

As observed aforesaid, the allegations for seeking transfer are quite vague. No specific case is made out for transfer of the cases in hand.



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Mere allegation of bias, itself cannot weaken the very edifice of the judicial system and even erode the confidence of the Presiding Officer, who is dealing with the cases. No material of substance has been produced or could be pinpointed by the counsel for the applicant, to justify the prayer for transfer of the cases. Thus, the allegations raised against the Presiding Officer are without merit and as such, are a clear indication of applicant's calumny. Seemingly, the transfer applications are only a ploy to delay the proceedings and to browbeat the Presiding Officer, from issuing orders in various litigation, pending before him. This indicates the probability of the applicant to be all out, to delay the proceedings pending before the Court concerned.

In view of the aforesaid fact situation, taking into consideration the conduct of the applicant and also considering the reason assigned for transfer of the cases, there is no merit in all the three transfer applications. As such, all the transfer applications are hereby dismissed.

23.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes