

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****TA-292-2025(O&M)****Date of decision: 22.05.2026****Daljit Lal****...Petitioner(s)****Vs.****Rohit Sharma****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Mandeep Singh Sachdev, Senior Advocate with
Mr. Rahul Sharma, Advocate
Mr. Om Malhan, Advocate
Mr. Arsh Gupta, Advocate
for the petitioner.

Mr. Samarth Sagar, Advocate
for the respondent (through VC).

NIDHI GUPTA, J.

Prayer in this petition filed by petitioner-wife is for transfer of case bearing HMA No.709 of 2023 dated 03.11.2023 (Annexure P3) titled as "Rohit Sharma Vs. Smt. Daljit Lal" filed by the respondent against the petitioner under Section 9 of the Hindu Marriage Act for restitution of conjugal rights pending before the learned Additional Principal Judge, Family Court, Hoshiarpur to the Court of competent jurisdiction at Jalandhar.

2. It is inter alia submitted by learned Senior Counsel for the petitioner that the above-mentioned petition filed by the respondent under Section 9 of the Hindu Marriage Act deserves to be transferred from Hoshiarpur to Jalandhar on account of following reasons that: -



- i) the petitioner was married to the respondent on 24.03.2021;
- ii) due to matrimonial discord, the parties are living separately since 09.09.2021;
- iii) no child is born out of this wedlock;
- iv) there is already a petition filed by the petitioner under Section 125 Cr.P.C. which is pending at Jalandhar in which the respondent has put in appearance;
- v) the petitioner is not a working woman and therefore, has no source of income;
- vi) the petitioner is dependent upon her parents for the purpose of survival;
- vii) the petitioner is living in the house of her parents at Jalandhar;
- viii) as a result, the petitioner is unable to travel the distance of approximately 45 km one side between Hoshiarpur and Jalandhar.

3. It is accordingly prayed that the present petition be allowed and the case filed by the respondent under Section 9 of the Hindu Marriage Act be transferred from Family Court Hoshiarpur to competent Family Court at Jalandhar.

4. Per contra, learned counsel for the respondent-husband appearing through Video Conferencing vehemently opposes the submissions of the petitioner and submits that the petitioner has concealed material facts from this Court; inasmuch as the petitioner has failed to reveal that she is residing in London. The petitioner has gone to London on



a Work Visa. Therefore, all the above-said contentions made by the petitioner are factually incorrect. In this regard, learned counsel refers to the cross-examination of the petitioner (Annexure R1) recorded before the learned Principal Judge, Family Court, Jalandhar in the petition filed under Section 125 Cr.P.C. by the petitioner.

5. It is further submitted by learned counsel for the respondent that since the petitioner is residing in London, the present Transfer Application has been filed by her through Special Power of Attorney holder namely Jagdev Lal, who has since expired on 25.04.2025. It is contended that therefore, the present Transfer Application even otherwise is not maintainable. Accordingly, as the petitioner herself is residing in London, no ground is made out for transfer of the present case.

6. Learned Senior Counsel for the petitioner rebuts the submissions of the respondent by submitting that at the time of filing of the present Transfer Application on 20.02.2025, the petitioner was not residing in London. As such, no material facts have been concealed by the petitioner from this Court. Prayer for transfer of the aforesaid petition under Section 9 of the Hindu Marriage Act from Family Court Hoshiarpur to a competent Court at Jalandhar is reiterated.

7. No other argument is raised by learned counsel for the parties. I have heard learned counsel and perused the case file. I find no merit in the submissions advanced on behalf of the petitioner.



8. The present transfer petition has been filed by the petitioner through her SPA Jagdev Lal. It is not disputed by learned senior counsel for the petitioner that Jagdev Lal has expired on 25.04.2025. Clearly, therefore, present petition is not maintainable.

9. Furthermore, Id. Senior counsel is also unable to clarify that if petitioner was residing in India at the time of filing present Transfer Application on 20.02.2025, then where was the need or occasion to file it through SPA. Passport of the petitioner has not been produced to establish this fact. This is clarified from a perusal of the cross-examination dated 13.5.2025 of the petitioner before Principal Judge, Family Court, Jalandhar (Annexure R1) in the proceedings pending between the parties under Section 125 Cr.P.C. which shows that the petitioner has stated as follows: -

“After seeing the passport, witness stated on 30.11.2021, I went to UAE and I stayed there till 24 November 2022. It is correct that for the year 2021 to 2024 I went to Dubai and U.K. I was working as Executive in Bank at Dubai in the year 2021, again stated that I was not working there and I was just staying with my friends for one year. The name of my friend at Dubai, Filza. After that, I went to UK from UAE. I went to UK in November 2023. I am in U.K. on work visa. I am not doing any job in U.K. and staying with my sister. It is wrong to suggest that I was doing job in U.K. It is correct that my father appeared as witness on my behalf in the present case and he deposes correctly, but my father mistakenly stated that I was working. The period of my work visa is from November 2023



upto November 2028. It is correct that my father expired on 25 April 2025. The monthly expenses of mine at U.K. is 1000 pounds i.e. Indian currency is Rs.1,00,000/- which is spent on travelling and basic need. My sister is single. The respondent is working as Civil Engineer in National Rails. I left my matrimonial house in the month September, 2021. I do not want to live with the respondent. Volt I am not aware whether he wanted to keep me with himself or not. I am not aware about the petition under section 9 of Hindu Marriage Act filed by the respondent in Hoshiarpur Family Court. I am not aware about the transfer petition which is pending before the Hon'ble High Court regarding the transfer of petition under Section 9 of Hindu Marriage Act from Hoshiarpur to Jalandhar. Volt my father was looking my litigation. I do not know whether of the summon of petition under section 9 of Hindu Marriage Act was personally served upon me. It is incorrect that I was working with my sister in her jewellery business in U.K. and getting dollar 2200 pounds as salary."

(Emphasis is mine)

10. The above-said admissions made by the petitioner are self-speaking.
11. However, it is necessary to point out that in the present petition, the petitioner has nowhere mentioned that she is residing in UK. On the contrary, in Para 8 and 9 of the present petition, the petitioner has categorically stated as follows: -



*"8. That the Petitioner after being thrown out of the matrimonial home is residing with her parents at Jalandhar. It is also pertinent to mention here that the Petitioner is not a working woman and has no source of income. As such, the Petitioner is totally dependent upon her parents for the purpose of survival. Neither does the Petitioner have any property in her name. The legal position in such cases as the present one, is well established. In this regard, judgement of the Hon'ble Supreme Court rendered in **N.C.V. Aishwarya v. A.S. Saravana Karthik Sha," 2022 Live Law (SC) 627**, is most relevant wherein the Hon'ble Supreme Court has held as under:*

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9. That the Petitioner is facing a very hard life. Moreover, the Petitioner is living in the house of her parents at Jalandhar who borne each and every expense of the Petitioner. Since June 2021 not even a single penny has been paid by the Respondent to the Petitioner. Hence, it is very difficult for the Petitioner to appear before the Ld. Family Court at Hoshiarpur on each and every date of hearing in the said petition under Section 9 of the Hindu Marriage Act."

12. From the above, it is clear that the petitioner has concealed material information and facts pertinent to the present case from this Court. In this situation, reference may be made to judgment of this Court in **Swati Pathania v. Ritesh Pangasa, (Punjab And Haryana) : Law Finder Doc ID # 2126995**, wherein it is held that: -



“Transfer application seeking transfer of matrimonial case dismissed due to concealment of material facts and misstatements made by the petitioner-wife.

Hindu Marriage Act, 1955 Section 13 Transfer application - Petitioner-wife seeking transfer of matrimonial case filed by respondent-husband - Earlier transfer application dismissed on merits due to concealment of material facts - Review application also dismissed as withdrawn - Present transfer application dismissed as petitioner found to be habitual in making misstatements and misleading the Court.”

13. Same view has been taken by this Court in **Sheveta @ Sheveta Sehgal v. Anuj Puri, (Punjab And Haryana) : Law Finder Doc ID # 2726492; Swati Pathania v. Ritesh Pangasa, (Punjab And Haryana) : Law Finder Doc ID # 2027329; and Richa Nagpal v. Tarun Nagpal, (Punjab And Haryana) : Law Finder Doc ID # 2291311.**

14. Even otherwise, the petitioner has been unable to make out any such extenuating circumstances that warrant the transfer of the Section 9 petition from Hoshiarpur to Jalandhar. The distance between Hoshiarpur and Jalandhar is barely 45 km. Furthermore, as admitted by the petitioner in her cross-examination, she is not even aware of the filing of the said petition or even the present transfer petition. In this situation, it cannot be said that any hardship would be caused to the petitioner.

15. This Court is also well aware that the preponderance of law in cases of transfer emanating from matrimonial disputes is in favour of the



wife. However, in certain cases similar to the present one, the Hon'ble Supreme Court, as well as this Court have refused relief to the wife. One such case is: **(2006) 9 SCC 197 'Anindita Das Vs. Srijit Das'** wherein Hon'ble Supreme Court under similar circumstances dismissed the wife's application seeking transfer of petition filed by the husband. Reference may also be made to two cases of this Court where, in similar circumstances this Court had dismissed transfer applications filed on behalf of the wife. These are: **TA No. 126 of 2018 'Smt. Akhwinder Kaur Vs. Sh. Gurpreet Singh'**; and **TA No. 299 of 2019 'Nisha alias Manisha vs. Amarveer Yadav'**. The above said view has been reiterated by the Hon'ble Supreme Court most recently in **Vipul Changanlal Solanki v. Nikita Vipul Solanki, (SC) : Law Finder Doc Id # 2843797** decided on 12.1.2026.

16. Accordingly, in view of the factual and legal position as noted above, finding no merit in this petition, the same is hereby **dismissed**.

17. Pending applications, if any, also stand dismissed.

22.05.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No