

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****142****TA-557-2025(O&M)****Date of decision: 18.05.2026****Madhu Chopra****...Petitioner(s)****Vs.****Aditya Dayal****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Advocate Karan Dev Sharma
Advocate Gurneet Sagoo
Advocate Dhruv Sharma
for the petitioner.

*********NIDHI GUPTA, J.**

Prayer in this petition filed by petitioner-wife is for transfer of the petition filed by the respondent/husband under Section 13(1)(ia) of Hindu Marriage Act, 1995 titled as "Aditya Dayal Vs. Madhu Chopra" bearing case No.HMA/2153/2024 pending before the Principal Judge, Family Court, Faridabad to the competent Court at Panchkula.

2. It is inter alia submitted by learned counsel for the petitioner that the above-mentioned petition filed by the respondent under Section 13(1)(ia) of the Hindu Marriage Act deserves to be transferred from Faridabad to Panchkula on account of following reasons that: -

i) the petitioner was married to the respondent on 23.02.2023;



ii) due to matrimonial discord, the parties started living separately from 06.07.2023. The marriage subsisted only for five months;

iii) no child is born out of this wedlock;

iv) the petitioner is working on contractual basis with ICMR at New Delhi;

v) there are two other cases already pending at Chandigarh/Panchkula which are as under: -

1. Criminal Complaint to SSP Chandigarh (Annexure P2);

2. FIR No.0017 of 2025 (Annexure P5) at Police Station Panchkula.

vii) one way distance between Faridabad to Panchkula is 280 kms. and petitioner is unable to travel;

viii) the petitioner also fears for her safety to travel as the respondent has attempted to assault the petitioner in her workplace in respect of which the petitioner has moved complaint dated 09.12.2025 (Annexure P6) to the SHO, Police Station Hauz Khas; as also complaint dated 21.07.2025 (Annexure P7) to the Commissioner of Police, Sector 4, Panchkula; as also complaint dated 27.11.2025 (Annexure P8) before the Chowki Incharge, Police Station Sector 1, Panchkula.

3. It is accordingly prayed that the present petition be allowed and the case filed by the respondent under Section 13(1)(ia) of the Hindu Marriage Act be transferred from Faridabad to Panchkula.

4. Per contra, learned counsel for the respondent-husband vehemently opposes the submissions of the petitioner and submits that the



present petition filed by the petitioner cannot be entertained as the same is not supported by valid affidavit; inasmuch as, the affidavit filed by the petitioner is dated 6.4.2025, whereas the present petition has been filed thereafter on 7.4.2025. It is further pointed out that it is evident from the record that the petitioner is not staying at Panchkula. Ld. counsel for the respondent takes this Court through the case file to demonstrate his above-said contention. It is submitted that therefore, present petition has been filed only to harass the respondent.

5. I have heard learned counsel for the parties.

6. A perusal of the case file shows that in the Memo of Parties, the petitioner has shown herself to be a resident of "R/o 945/19, near Raj Karyana Store, Durga Garden, Jagadhri, Yamunanagar Haryana, presently residing at H.No.527, Sector 6, Panchkula."

7. However, in Para 15 of the present transfer petition, the petitioner has stated "*That, the Petitioner is presently residing at Panchkula with her younger brother and is currently pursuing a contractual job with ICMR, New Delhi where she comes back on weekends and more frequently, as per her work schedule.*". It is not clear to this Court as to how the petitioner can be pursuing job at ICMR, New Delhi while at the same time living in Panchkula. Needless to say, if the petitioner is working at New Delhi, then it will be more convenient for her to pursue the case in Faridabad itself which is far closer to New Delhi than Panchkula.



8. Another anomaly that emerges from the record is that in the Letter of Appointment dated 10.06.2024 (Annexure P9) written by the ICMR to the petitioner, address of the petitioner is mentioned as follows: -

*“Dr. Madhu Chopra
695, Sector-22B, Gurugram,
Haryana”*

9. Furthermore, the complaint dated 25.07.2025 (Annexure P6) has been moved by the petitioner to the SHO, Police Station Hauz Khas. Even notice in the Section 13 HMA petition (Annexure P1) has been issued to and received by the petitioner add the following address as mentioned in the MOP of the said petition under Section 13 HMA:

*“Madhu Chopra (38 yrs.)
W/o Aditya Dayal
D/o of Sh. Jagmal Singh
R/o House No. 945, Ward No. 6,
Durga Garden, Jagadhri (Haryana)
also At:
Madhu Chopra Consultant (Non-medical)
Indian Council of Medical Research (ICMR) Headquarters,
AIIMS Campus Temple, Ansari Nagar,
New Delhi- 110029”*

10. Whereafter, petitioner is putting in appearance in the said case. All of the above factors would go to show that the petitioner is in actual fact



residing and working in New Delhi. Thus, contentions of the petitioner are misleading.

11. 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'**.

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

18.05.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No