



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

Sr. No.219**TA-968-2025****Date of Decision: 09.03.2026****NEHA JAIN****....Applicant****Versus****SAURABH JAIN****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Gourav Jain, Advocate
for the applicant.

Mr. Roop Jain, 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(a) of the Hindu Marriage Act i.e. HMA/877/2025, titled '*Saurabh Jain v/s Neha Jain*', filed by the respondent-husband, pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

Upon notice issued, the respondent made appearance through counsel and filed the reply. Even, the rejoinder was filed at the instance of the applicant.

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 01.07.2021 but no child was born from the said wedlock. Unfortunately, on



account of the matrimonial dispute, the parties are residing separate. The applicant is working as Assistant Professor in Guru Dronacharya Government College, Gurugram on contractual basis. She has filed petition under Section 12 of Protection of Women from Domestic Violence Act, which is pending in the courts at Gurugram and the respondent is making appearance in the same. Besides the same, the respondent is also facing trial in the case bearing FIR No. 14 dated 12.03.2022, in the courts at Gurugram. Also, it is submitted that the applicant is suffering from Vestibular neuritis, vertigo and back pain and her treatment is going on since the year 2023. In this regard, counsel makes reference to Annexures P-4 as well as latest medical record, Annexure P-5, which has been annexed with the rejoinder.

In the light of the aforesaid, it is submitted that even though, the distance between the two places, where the divorce petition is pending and where it is sought to be transferred, is only 35 kms, but however, it consumes a lot of time and therefore, on account of her medical ailment, the applicant finds it difficult to pursue the litigation pending at Faridabad. Moreover, counsel for the applicant while making reference to the rejoinder, submits that the respondent himself is working as AVM in HSBC Bank, Gurugram, from the last more than 11 years and commutes daily from Faridabad to Gurugram, to follow his job.

Keeping in view the aforesaid, counsel for the applicant makes prayer for acceptance of the transfer application.

On the other hand, counsel for the respondent refutes the claim for transfer of the divorce petition. In fact, he submits that only to cause harassment to the respondent, the present application has been filed. Firstly,



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while making reference to the medical record, he submits that false emergency has been created by the applicant and in this regard, he submits that the medical record, which has been placed on record by the applicant, relates to the year 2023 and further only to the year 2025, wherein, there is no such reference about the precautions to be taken has been mentioned. In fact, it is only in Annexure P-5, there is mention made about the precaution to be taken to avoid travelling and driving. In fact, the counsel submits that this is the created document, only to seek favourable order in the present application.

On query by the court, it is admitted by the counsel that the respondent is facing trial in the criminal case and also pursuing the divorce petition, which are pending in the courts at Gurugram. On further query, with regard to the recitals of Paragraph No.6 of the rejoinder, counsel also admits that the respondent is working in HSBC Bank at Gurugram, for the last 11 years and he commutes from Faridabad to Gurugram, to follow his job. However, voluntarily it is also further submitted that the respondent at present is working from home. On further query by the court, as to whether he has mentioned the aforesaid fact in his reply, the counsel was not able to state any answer. In fact, it does not find mention in the reply. Further, the counsel submits that the applicant is a confident woman, who is also financially independent and therefore, she can easily pursue the litigation, if it remains pending at Faridabad.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer applications, relating to the matrimonial dispute, various factors ought to be taken into consideration.



The distance between the two places is stated to be 35 kms. However, the distance is one factor, which needs to be noticed. Apart from the same, other circumstances spelt out from the material brought on record ought to be considered. No doubt, the applicant is working as Assistant Professor at Guru Dronacharya Government College, Gurugram and therefore, she is bound to be confident woman and also financially independent, but however, she is stated to be having some medical issues. However, the medical record, which has been brought forth, reveals about the applicant to be suffering from Vestibular neuritis, since the year 2023 i.e. much prior to the filing of the divorce petition in the year 2025. Considering the same, it cannot be said that the medical record has been falsely created only for the purposes of disposal of the transfer application.

Even though, precautions, as such, have been mentioned in Annexure P-5, but even if the same are not considered, suffice to consider that the other two litigation are already pending in the courts at Gurugram, more particularly, the criminal case, wherein the respondent is required to make appearance on each and every date of hearing and above it taking into consideration the fact of the respondent following his job at Gurugram and commutes daily from Faridabad. Though, it is stated by the counsel for the respondent about the respondent to be working from home, but nothing, as such, is coming forth, on this count from the reply filed by him, nor any document relating to the same, has been brought on record. This, as such, is the material factor, which ought to be taken into consideration.

Considering all the aforesaid circumstances, it is just and expedient to accept the transfer application. Hence, the same is allowed and



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the petition under Section 13(a) of the Hindu Marriage Act i.e. HMA/877/2025, titled '*Saurabh Jain v/s Neha Jain*', filed by the respondent-husband, stands transferred from the Family Court, Faridabad, to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid case be sent by the Family Court, Faridabad, 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.

09.03.2026

Sonu Saini

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No