

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****TA No.4/2020 (O&M)
Date of decision: 20.04.2023****Neha Gupta****.....Petitioner.****Vs.****Maya Academy of Advanced Cinematics, Chandigarh and another****.....Respondents****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. J.S.Johal, Advocate for the petitioner.
Mr. Varun Sharma, Advocate for the respondents.

Nidhi Gupta, J.

1. Petitioner/defendant by way of present Transfer Application under Section 24 CPC seeks transfer of Civil Suit titled as “Maya Academy of Advanced Academics and Another v Neha Gupta” numbered as CS CJ/2017/2019 from the Court of Civil Judge (Sr. Div.) Chandigarh, to any other court of competent jurisdiction at Panipat.

2. As per allegations made in the petition, petitioner took admission in respondent Institute at Chandigarh in the year 2017 for pursuing Advanced Program in 3-D Animation course and was staying in Chandigarh as a Paying Guest. It is alleged that one of the Faculty Members namely Kapil Kaushik tried to make sexual advances towards her regarding which she made a complaint to respondent no.2-Director of the said Institute, who instead of taking action against the guilty person rebuked the petitioner. She then approached Police Station, Sector 34, Chandigarh, to get an FIR registered but to no avail. Ultimately, petitioner filed a complaint

addressed to SSP Chandigarh (Annexure P-1) at Public Window, Sector 9, Chandigarh. It is further allegation of the petitioner that now as a counter-blast to the complaint made by the petitioner against the respondent Institute, latter has filed a suit for damages for defamation and compensation of Rs.10 lac on account of loss of reputation and goodwill, as detailed in para 1 above, transfer of which is sought by the petitioner. Ld. Counsel places reliance upon judgments of Hon'ble Supreme Court in **Neelam Kanwar v Devinder Singh Kanwar 2000(10) SCC 589; Sumita Singh v Kumar Sanjay and another, 2001(10) SCC 41; Pratibha Khemka v Sanjay Kumar Khemka, 2004(13) SCC 686** and of this Court in **Rimpal v Balinder Kumar 2010(7) RCR (Civil) 286; Anju v Sanjay 2011(6) RCR (Civil) 112; and Komal Devi v Harbhajan Singh 2012(8) Civil 84.**

3. It is stated by the learned counsel for the petitioner that (i) petitioner is a resident of Panipat which is 160 kms. away from Chandigarh; (ii) economic condition of her family is not sound; (iii) her father, as per Annexure P-3, is 40% medically disabled; and (iv) mother of the petitioner was admitted to ICU due to some lung problems.

4. In response, it is submitted by the ld. Counsel for the respondent that petitioner misbehaved and misconducted herself in the class by using mobile phone and wearing headphone and when Mr. Kapil Kaushik objected to it, she misbehaved with him. When the matter was brought to the notice of respondent no.2, petitioner demanded back her fees and also filed a complaint no. 873959 on the Website of Department of Consumer Affairs, Govt. of India levelling allegations of fraud. It is further submitted that petitioner did not stop at this but went on to file a false complaint of molestation to the Police. Transfer of the pending suit is objected on the

ground that if it is done so, petitioner may implicate the respondent in some false case.

5. No other argument has been raised.

6. Heard Id. Counsel for the parties.

7. Keeping in view the peculiar facts and circumstances of this case, I deem it appropriate to allow the present Transfer Application. Even no case law to the contrary has been cited on behalf of the respondents. Accordingly, the same is allowed with the following directions: -

a) the civil suit filed by respondent-Institute pending in the Court of Civil Judge (Senior Division), Chandigarh is transferred to a Court of competent jurisdiction at Panipat.

b) The Id. District Judge, Chandigarh is directed to transfer complete record pertaining to the aforesaid case to District Judge, Panipat.

c) The parties through their counsel are directed to appear before the District & Sessions Judge, Panipat on 26.5.2023.

d) The District Judge, Panipat will assign the said suit to a Court of competent jurisdiction.

(Nidhi Gupta)
Judge

20.04.2023

Joshi

Whether speaking/reasoned	Yes
Whether reportable	Yes/No