

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210 TA-1213-2023 (O&M)
Date of decision: 24.01.2024

Neha Goyat ...Petitioner

Versus

Nishant Sheoran ...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Maninder Arora, Advocate for the petitioner.

VIKAS SURI, J.

1. Prayer in this petition filed by the petitioner-wife Neha Goyat, is for transfer of the petition filed by respondent-husband under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 (for short ‘the Act’) titled as *Nishant Sheoran vs. Neha Goyat* before learned Principal Judge, Family Court, Gurugram to a Court of competent jurisdiction at Panchkula.

2. Learned counsel for the petitioner submits:-

- (i) That the parties were married on 02.12.2020.
- (ii) That petitioner made a complaint to the police on 16.08.2021, on the basis of which, FIR No.144 dated 29.10.2021, under Sections 354, 120-B, 406 and 498-A IPC was registered against the respondent and other accused persons, at Police Station Woman Police Station, Panchkula.

- (iii) That the petitioner has also filed a petition under Section 12 of the Domestic Violence Act, against the respondent and others, which is pending at District Court, Panchkula.
- (iv) That the petitioner being a working lady, it would not be possible for her to attend the Court at Gurugram when all other proceedings *inter se* the parties are pending before the District Courts at Panchkula.

3. Upon notice, the respondent-husband has put in appearance through counsel Sh. R.S. Mann, who has filed his power of attorney in the Court, which is taken on record. Learned counsel for the respondent does not dispute that the other proceedings between the parties are pending at Panchkula. However, he would urge that the petitioner is working at Bangalore and it should not matter to her whether the proceedings are held at Gurugram or Panchkula. However, learned counsel for the respondent does not dispute that all the proceedings between the parties which are arising out of a matrimonial discord should be tried at one station.

4. I have heard learned counsel for the parties and perused the relevant record with their able assistance.

5. Besides the facts as noticed hereinabove, the legal position in such like cases as the present one, is well established. In this regard, judgment of the Hon'ble Supreme Court rendered in ***N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha***, 2022 SCC Online SC 1199, wherein the Hon'ble Supreme Court has held as under:-

“9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In mat-

rimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are inter-dependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

6. Further reliance can be placed upon the judgments in ***Sumita Singh vs Kumar Sanjay*, AIR 2002 SC 396** and ***Rajani Kishor Pardeshi vs. Kishor Babulal Pardeshi*, (2005) 12 SCC 237**, wherein the Hon’ble Supreme Court has observed that “while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.”

7. Even this Court in number of cases has followed the aforesaid principle of law. Accordingly, it is well settled that while considering the transfer of a matrimonial dispute/case, at the instance of the wife, the Court is to consider the family condition of the wife, the custody of the minor child, economic condition of the wife, her physical health and

earning capacity of the husband and most important the convenience of the wife i.e. she cannot travel alone without assistance of a male member of her family, connectivity of the place to and fro from her place of residence as well as bearing of the litigation charges and travelling expenses.

8. After going through the record and in view of the judgments i.e. *Sumita Singh's case* (supra), *Rajani Kishor Pardeshi's case* (supra) and *N.C.V. Aishwarya's case* (supra) passed by the Hon'ble Supreme Court, this Court deems it appropriate to allow the present petition, with the following directions:-

- a) The petition filed by respondent husband under Section 13 (1) (ia) of the Act, titled as *Nishant Sheoran vs. Neha Goyat* pending in the Court of learned Principal Judge, Family Court, Gurugram is transferred to a Court of competent jurisdiction at Panchkula.
- b) The learned District Judge, Gurugram is directed to transfer complete record pertaining to the aforesaid case to District Judge, Panchkula.
- c) The parties are directed to appear before the District & Sessions Judge, Panchkula on 12.04.2024.
- d) The District Judge, Panchkula will assign the said petition to the Court of competent jurisdiction.

9. The concerned Court at Panchkula will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

10. The Court concerned, where the litigation is pending between the parties, will accommodate them with one date in one calendar month.
11. I am supported by the decisions rendered by a Co-ordinate Bench of this Court in **TA No. 1315 of 2022, Rohini Arora v Nitin Talwar**; **TA No. 1322 of 2022, Jaswinder Kaur v Gurvinderjeet Singh**; and **TA No. 1323 of 2022, Usha Rani v Karmajit Singh**.
12. Accordingly, the present petition is disposed of in the aforesaid terms, directing the parties through their counsel to appear before the learned District Judge, Panchkula on 12.04.2024. Copy of this order be sent to both the Courts for information and necessary compliance.
13. Pending applications, if any, also stand disposed of.

January 24, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No
Whether Reportable : Yes / No