



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

Sr. No.166

TA-248-2024

Date of Decision: 26.03.2025

POONAM SHARMA

....Applicant

Versus

NISHA AGGARWAL AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kanish Jindal Advocate
for the applicant.

Mr. Atul Ravish, Advocate
for respondents No.1 and 2 (only contesting respondents).

ARCHANA PURI, J. (Oral)

The applicant-Poonam Sharma has filed the present application for seeking transfer of the civil suit i.e. CS/191/2023, titled '*Nisha Aggarwal and another Vs. Poonam Sharma and others*', which is pending in the Courts at Shahabad, District Kurukshetra and she seeks transfer of the same to the Court of competent jurisdiction at Jalandhar.

Upon notice, contesting respondents No.1 and 2 made appearance through counsel. However, the counsel for respondents No.1 and 2 submits that he does not intend to file reply to the transfer application, though, he contests the same.



Learned counsel for the parties heard.

At the very outset, it is submitted that the applicant is daughter-in-law of respondent No.1 and wife of respondent No.2. There was a matrimonial dispute between the parties, as a result whereof, various rounds of matrimonial litigation was initiated between the parties. The suit in hand, which is filed by respondents No.1 and 2, is also an offshoot of the matrimonial dispute.

It is submitted by the counsel for the applicant that respondent No.2, had filed the divorce petition at Shahabad, which was transferred vide order dated 06.10.2023, passed by this Court in TA-1297-2023, copy whereof is Annexure P-1. Also, it is submitted that the applicant has also filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Jalandhar and the same is still at the appearance stage. The petition under Section 125 Cr.P.C. filed by the applicant, is also pending adjudication in the Courts at Jalandhar and the respondent is making appearance in the same. Besides the same, also it is submitted that after filing of this transfer application, an FIR bearing No.10 dated 14.02.2024, under Sections 406 and 498-A IPC, wherein challan has been presented and the respondent No.2 is facing trial, relating to the said FIR, in the Courts at Jalandhar. Moreover, it is submitted that there is no child born from the said wedlock. Further, the applicant is not having any source of earning and as such, it is difficult for her to commute a distance of about 230 kilometres, to defend the aforesaid civil suit.

Even though, reply has not been filed by the respondent, but however, the counsel for the respondent submits that divorce petition was erroneously transferred. Also, it is submitted that the same has since been



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dismissed in default. Furthermore, it is submitted that the respondent is an aged lady and it shall be difficult for her to pursue the civil suit, if so transferred.

No doubt, respondent No.1, who is mother-in-law of the applicant, is an aged lady and she may be facing inconvenience on account of her age, but however, it is pertinent to mention that there are various other matrimonial litigation, between the applicant and respondent No.2, which is pending in the Courts at Jalandhar. The petition under the Protection of Women from Domestic Violence Act is pending in the Courts at Jalandhar, in which respondent No.1 is also one of the respondents. Even, the challan has been presented in the criminal case and respondent No.2 is facing trial in the Courts at Jalandhar.

Considering the aforesaid circumstances and more particularly, when the applicant is not having any source of earning and also considering the distance between the two stations, where the parties are residing, the transfer application is allowed and the civil suit i.e. CS/191/2023, titled '*Nisha Aggarwal and another Vs. Ponam Sharma and others*', filed by respondents No.1 and 2, stands transferred from the Courts at Shahabad, District Kurukshetra, to the Court of competent jurisdiction at Jalandhar. The requisite record of the aforesaid case be sent by the Courts at Shahabad, to the District and Sessions Judge, Jalandhar.

Learned District and Sessions Judge, Jalandhar, shall assign the said petition to the Court of competent jurisdiction at Jalandhar. Even, the parties are directed to appear before the concerned Court at Jalandhar, within a period of one month from today onwards.



However, taking into consideration the convenience/inconvenience of both the sides, respondents No.1 and 2 always has an option to move an application before the Court concerned to ensure their presence, if required, through video conferencing.

26.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No