



TA-469-2024 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.103

TA-469-2024 (O&M)
Date of Decision: 05.12.2025

KANIKA CHOPRA

....Applicant

Versus

GENERAL PUBLIC AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. G.S. Sullar, Ms. Devaki Anand Sullar and
Mr. Haneesh Kumar, Advocates
for the applicant.

Respondent No.1 is general public.

Mr. Inderjeet Singh, Advocate
for respondent No.2.

ARCHANA PURI, J. (Oral)

CM-6693-CII-2024

Keeping in view the averments made in the application, same is
allowed.

Main case

The applicant-wife has filed the present application for seeking
transfer of the civil suit i.e. CS/219/2023, titled '*Paras Chopra Vs. General
Public and another*', filed by respondent No.2-husband, pending in the



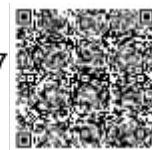
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Courts at Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

In pursuance of notice issued, respondent No.2 made appearance through counsel and filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage of the applicant was performed with respondent No.2 on 20.01.2016. One daughter born from the said wedlock, is in the care and custody of respondent No.2-husband, at present. On account of the matrimonial dispute, the parties are residing separate and they are engaged in various litigation, relating to this broken relationship. In fact, the counsel for the applicant has made reference to paragraph No.8 of the application and has stated that as many as 5 cases are pending between the applicant and respondent No.2. It is submitted that the petition under the Protection of Women from Domestic Violence Act, is pending in the Courts at Gurugram, wherein, respondent No.2 is making appearance and the case is now fixed for arguments. However, during the pendency of the said petition, an order for temporary custody of the daughter was passed by the concerned Court, copy whereof is Annexure P-2. Vide this order, learned trial Court had ordered for handing over the temporary custody of the child by respondent No.2, to the applicant, but however, the same was not complied with. In fact, to assail the said order, criminal appeal has been filed by respondent No.2, which is pending in the Courts at Gurugram. Simultaneously, the applicant has also filed an application for execution of the aforesaid order,



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which is also pending in the Courts at Gurugram. Besides the same, maintenance petition filed by the applicant, is also pending in the Courts at Gurugram and respondent No.2 is making appearance in the same. Even, challan has been filed in the Courts at Gurugram, relating to FIR bearing No.91 of 2021, got lodged by the applicant. However, the proceedings qua the said FIR, are stated to be stayed by this Court.

At this stage, on query by this Court, it is disclosed that the applicant has completed her law now. In the given circumstances, it is submitted that on account of financial and social inhibitions, on account of outrageous conduct of respondent No.2, the parents of the applicant, who are residing at Haridwar, are unable to support the applicant. Considering the constrained circumstances, she is residing in the office of her senior Advocate, who is also a female.

Further, the counsel for the applicant has also submitted that in the suit, which is sought to be transferred, copy whereof is Annexure P-1, the relief sought is to restrain the applicant from snatching the custody of the minor child. In fact, it is submitted that the order has already been passed, with regard to custody of the child in the petition under the Protection of Women from Domestic Violence Act and the said order has been challenged by respondent No.2.

On the other hand, counsel for respondent No.2, while making reference to the reply, submits that the applicant has concealed the material facts. In fact, she is into relationship with other person and on this account only, her parents are not inclined to help her. The daughter born from this



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estranged marriage, is also in the custody of respondent No.2. Even, the applicant is a well-educated professional person and therefore, she should not be facing any difficulty in pursuing the litigation, which is of civil nature, wherein her presence is not required on each and every date of hearing.

Considering the submissions aforesaid, one thing is evident that the civil suit, which is sought to be transferred, is an outcome of the matrimonial dispute between the parties. The daughter born from this wedlock, is in the custody of respondent no.2-husband, at present. There are various litigations, on account of this matrimonial dispute, which are all pending in the Courts at Gurugram. The detail of the litigation is given in paragraph No.8 of the application. Though, the custody of the child is with respondent No.2, but however, it is necessary to take note of the order passed by learned trial Court in the petition filed under the Protection of Women from Domestic Violence Act, copy whereof is Annexure P-2. Vide the said order, learned trial Court had given a direction to respondent No.2, to hand over the custody of the child, to the applicant. This order has yet not been complied with and has also been challenged before learned Appellate Court.

No doubt, the applicant is a well-educated and professional lady, but however, considering the kind of dispute between the parties, which is basically a matrimonial dispute and the civil suit in hand has been filed, is an outcome of the same, considering the order passed by learned trial Court in the petition under the Protection of Women from Domestic



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Violence Act, which is also under challenge in the Courts at Gurugram besides other litigation and in the fitness of circumstances, it is just and expedient to accept the application.

In view of the aforesaid fact situation, the transfer application is allowed and the civil suit i.e. CS/219/2023, titled '*Paras Chopra Vs. General Public and another*', filed by respondent No.2-husband, stands transferred from the Courts at Ludhiana, to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid case be sent by the Court concerned at Ludhiana, to the District and Sessions Judge, Gurugram.

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

05.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No