



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

Sr. No.101

TA-688-2023

Date of Decision: 11.08.2025

LATIKA SEHGAL AND ANOTHER**....Applicants****Versus****RAJ SEHGAL****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Jatinder Nagpal, Advocate
for the applicants.

Mr. Rajesh K. Moudgil, Advocate
for the respondent.

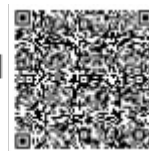
ARCHANA PURI, J. (Oral)

The applicant-Latika Sehgal and her mother, have filed the present application for seeking transfer of the civil suit bearing CS No. CJ/607/2023, titled '*Raj Sehgal Vs. Latika Sehgal and another*', filed by the respondent (mother-in-law of applicant No.1). The said civil suit is pending in the Courts at Chandigarh and the applicants seek transfer of the same to the Court of competent jurisdiction at Patiala.

Upon notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicants that the marriage of applicant No.1 had taken place with the son of the respondent, namely, Dinker Sehgal, on 24.07.2016, but no child was born from the said wedlock. However, matrimonial dispute had arisen between them, as a result whereof, they were entangled in various rounds of



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litigation. A complaint under Section 406 and 498-A IPC, was filed at the instance of applicant No.1. However, the respondent, who was also one of the accused in the said complaint, as well as the other accused, were discharged. Furthermore, it has been submitted that the proceedings relating to Protection of Women from Domestic Violence Act, are going on in Patiala. Also, the counsel submits that applicant No.2-Suman Lata, who is about 57 years old, is suffering from various medical ailments and she is completely bed-ridden. Therefore, it is difficult for applicant No.2, as well as her daughter, who is applicant No.1, to commute a distance of about 80 kilometres, to defend the civil suit, which is pending in the Courts at Chandigarh.

On the contrary, the counsel for the respondent has refuted the claim for transfer of the civil suit. In fact, it is submitted that the respondent, as well as her other family members, were discharged in the complaint, under Section 406 and 498-A IPC. Also, it is submitted that the proceedings qua Section 125 Cr.P.C., which was allowed by learned Family Court and was upset by this Court, are pending before Hon'ble Supreme Court. Furthermore, it is submitted that the respondent is 82 years old and therefore, she has age-related problems. Keeping in view her age, it shall be difficult for her also to pursue the suit, if so transferred to Patiala.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts given preference to the convenience of wife, in case of transfer application relating to the matrimonial dispute. Though, in the present application, the transfer of the civil suit for recovery is sought, but however, the fact remains that the said suit has been filed by mother-in-law of applicant No.1 and the same can be considered to be an offshoot of



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the matrimonial dispute of applicant No.1, with her husband, Dinker Sehgal, who is son of the respondent. Anyhow, may it be so. It is not a thumb rule to consider the convenience of wife only. Various other circumstances spelt out from the material brought on record, also ought to be taken into consideration. The parties to the present application are all women. Considering the age, the respondent is the elder one, who is 82 years old, whereas, applicant No.2 is 57 years old and applicant No.1, who is daughter of applicant No.2, ought to be of much lesser age. Keeping this in mind, even though, it is submitted by the counsel for the applicants that applicant No.2 is suffering from various ailments and is on deathbed, but however, no record relating to the same, has been placed on record.

In view of the aforesaid fact situation and also taking into consideration the age of the respondent and also considering the litigation between the parties, to be of civil nature, which does not call for presence of the parties on each and every date of hearing, the transfer application is hereby dismissed.

11.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No