



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

Sr. No.114

TA-870-2024

Date of Decision: 22.04.2025

MONAL GUPTA

....Applicant

Versus

NITIN GUPTA AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mrs. Aarushi Garg, Advocate
for the applicant.

Mr. Sourabh Singla, Advocate
for the respondents.

ARCHANA PURI, J. (Oral)

The applicant-complainant has filed the present application for seeking transfer of the complaint filed under the Protection of Women from Domestic Violence Act i.e. COMA/46366/2023, titled '*Monal Gupta Vs. Nitin Gupta and others*', filed at her instance, which is pending in the Family Court, Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

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



The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the applicant and respondent No.1 had taken place on 22.11.2019. One daughter born from the said wedlock, who is about 4 years old, is in the care and custody of the applicant. However, on account of the matrimonial dispute, the parties are residing separate. It is submitted that various rounds of litigation were initiated between the parties. The husband of the applicant i.e. respondent No.1 had filed the petition for seeking divorce i.e. HMA/143/2023, in the Courts at Ludhiana. However, the applicant had filed the transfer application i.e. TA-1648-2023, which was allowed vide order dated 21.12.2023, copy whereof is Annexure P-10. Now, the said divorce petition is pending in the Courts at Chandigarh and the same is being pursued by respondent No.1. Besides the same, also it is submitted that the applicant had filed a complaint dated 24.06.2023, before the SHO, Police Station Sarabha Nagar, Ludhiana, which is still pending inquiry. Furthermore, it is submitted that an FIR bearing No.80 dated 22.10.2023, under Sections 406 and 498-A IPC, was got lodged by the applicant at Police Station Women, Police Commissionerate Ludhiana and challan has been presented in the same and now, the trial is pending in the Courts at Ludhiana. Besides the same, the applicant has also filed the petition under Section 125 Cr.P.C. i.e. MNT/386/2023, which is pending in the Courts at Chandigarh.

Also, it is submitted that the applicant is a housewife and as such, is not having any source of earning. In the given circumstances, it is submitted that with the minor child, it is difficult for the applicant to commute a distance of about 100 kilometres, to pursue the petition under the



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Protection of Women from Domestic Violence Act, filed at her instance, from Chandigarh i.e. her parental place, where she is residing at present, more particularly, while taking into consideration the fact of the divorce petition, already having been transferred.

On the other hand, the counsel for the respondents, while making reference to the reply, has submitted that two matrimonial cases are already pending in the Courts at Ludhiana. In one case, challan has been presented and the applicant is also pursuing the same in the Courts at Ludhiana. Therefore, it is submitted that there is no necessity for transfer of the case.

In view of the submissions aforesaid, considering the fact of the divorce petition filed by respondent No.1 at Ludhiana, having already been transferred vide order, copy whereof is Annexure P-10, which is being pursued by respondent No.1 in the Courts at Chandigarh and also taking into consideration the fact about the applicant having no source of earning and also taking care of the minor daughter, the transfer application is allowed and the complaint filed under the Protection of Women from Domestic Violence Act i.e. COMA/46366/2023, titled '*Monal Gupta Vs. Nitin Gupta and others*', filed at the instance of the applicant, stands transferred from the Family Court, Ludhiana, to the Court of competent jurisdiction at, Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Ludhiana, to the District and Sessions Judge, Chandigarh.

Learned District and Sessions Judge, Chandigarh, shall ensure about transfer of the case in the Court, where the matrimonial litigation between the parties is already pending and the Court concerned shall adjourn the cases, preferably for the same date, taking into consideration the



convenience of the respondents also. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

22.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No