



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

Sr. No.114 (3 cases)

Date of Decision: 26.08.2025

1.

TA-1039-2024 (O&M)

ANKIT CHITKARA

....Applicant

Versus

**NIKITA BAKSHI THROUGH HER SPECIAL POWER OF
ATTORNEY**

.....Respondent

2.

TA-1040-2024 (O&M)

ARPITA @ ARPITA CHITKARA

....Applicant

Versus

**NIKITA BAKSHI THROUGH HER SPECIAL POWER OF
ATTORNEY**

.....Respondent

3.

TA-1045-2024 (O&M)

SUSHMA CHITKARA @ SUSHMA RANI

....Applicant

Versus

**NIKITA BAKSHI THROUGH HER SPECIAL POWER OF
ATTORNEY**

.....Respondent



CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nitin Sachdeva, Advocate
for the applicant(s) (in all the cases).

Mr. Ishan Gupta, Mr. Sahil Malhotra and
Ms. Muskan Gupta, Advocates
for the respondent (in all the cases).

ARCHANA PURI, J. (Oral)

CM-15105-CII-2024 IN TA-1039-2024;
CM-15106-CII-2024 IN TA-1040-2024 AND
CM-15118-CII-2024 IN TA-1045-2024

Keeping in view the averments made in the applications, same are allowed.

MAIN CASE

These are three transfer applications, filed for seeking transfer of the litigation, pending between the parties to the lis.

TA-1039-2024 has been filed by the applicant-Ankit Chitkara, for seeking transfer of the civil suit i.e. CS/3690/2024, titled '*Nitika Bakshi Vs. Ankit Chitkara*'.

TA-1040-2024 has been filed by the applicant-Arpita @ Arpita Chitkara, for seeking transfer of the civil suit i.e. CS/3671/2024, titled '*Nitika Bakshi Vs. Arpita Chitkara*'.

TA-1045-2024 has been filed by the applicant-Sushma Chitkara @ Sushma Rani, for seeking transfer of the civil suit i.e. CS/3684/2024, titled '*Nitika Bakshi Vs. Sushma Chitkara*'.

All the aforesaid cases have been filed by the respondent-Nitika Bakshi, through her father, namely, Kewal Krishan Bakshi, who is her



attorney-holder. All the aforesaid suits are pending in the Courts at Ludhiana and the applicants seek transfer of the same to the Court of competent jurisdiction at Faridabad.

In pursuance of the notice issued, respondent made appearance through counsel in all the three cases. However, reply has been filed in TA-1040-2024 and the counsel submits that the said reply be considered in the two connected transfer applications also. Even, replication has been filed at the behest of the applicant in TA-1040-2024.

Counsel for the parties heard.

For the convenience of the discussion, the facts are taken up, as pleaded in TA-1040-2024.

At the very outset, it is submitted by the counsel for the applicant that marriage between the applicant-Arpita @ Arpita Chitkara and Pankul Bakshi, who is brother of the respondent, had taken place on 26.09.2022. However, matrimonial dispute arose between them, as a result whereof, FIR bearing No.288 dated 20.06.2023, under Sections 323, 354-A, 376, 406, 498-A, 509, 511 and 34 IPC, was got lodged by the applicant at Police Station Kheripul, District Faridabad. On account of the matrimonial dispute, the parties are residing separate. The husband of the applicant is residing in New Zealand.

However, during the ongoing dispute between the parties to the said marriage, amicable settlement was reached between them and Memorandum of Understanding (MOU) dated 06.10.2023, was arrived at between the applicant and Pankul Bakshi, her husband, thereby settling to



part ways, by way of seeking decree of divorce by mutual consent. Copy of the said MOU is Annexure P-2. Perusal of the same reveals that the said MOU was arrived at by Arpita @ Arpita Chitkara, Sushma Chitkara @ Sushma Rani, her mother and Ankit Chitkara, her brother, with party of second part i.e. Pankul Bakshi and his parents. On the basis of the said MOU, the petition under Section 13-B of the Hindu Marriage Act, was filed and the marriage was dissolved by decree of divorce by mutual consent. Also, on the basis of this MOU, the petition i.e. CRM-M-58530-2023, was filed to seek quashing of the FIR, detailed aforesaid and the same was decided on 29.04.2024. Vide the said order, the FIR and the consequential proceedings arising therefrom, were quashed, qua the petitioners of the said petition, namely, Kewal Krishan Bakshi, Sunita Bakshi and Pankul Bakshi. However, it is submitted that it was only on account of being under the impression about Nikita Bakshi to have been declared innocent, that she was not made party to the MOU and consequently, FIR still subsists qua her.

In this regard, counsel for the applicant, while making reference to the replication and the documents annexed therewith, submits that he had obtained information under the Right to Information Act, 2005 and therein, it has been stated that in the questioned FIR, Nikita Bakshi, was not joined in the investigation and her name has not been removed from the FIR. Also, it is submitted that three civil suits have been filed at the instance of Nikita Bakshi, against Arpita @ Arpita Chitkara, her mother and her brother. All the said suits have been filed through her father, namely, Kewal Krishan Bakshi, being attorney-holder and the same is in contradiction to the MOU



reached between the parties to give quietus to the litigation, copy whereof is Annexure P-2. Furthermore, it is submitted that Nikita Bakshi has also filed a criminal complaint, against the applicant(s), relating to which transfer petition i.e. CRM-M-51296-2024 has been filed, which is pending before the Coordinate Bench.

On query by this Court, it is submitted by the counsel for the applicant that the applicant is working in a private firm at Faridabad. Further, it is submitted that all the three civil suits have been filed by Nikita Bakshi, with a malafide intention, only to cause harassment to Arpita @ Arpita Chitkara and her family members, on account of the matrimonial dispute with her brother, which has already been settled.

On the other hand, counsel for the respondent, while making reference to the reply filed in TA-1040-2024, which is also to be considered as reply in the connected transfer applications, has submitted that the applicant has not come to the Court with clean hands. In fact, the respondent was fed up by the conduct of the applicant, when the talks of compromise, relating to the matrimonial dispute, were going on between the parties. Also, it is submitted that in the reply, it is stated that on the basis of the compromise, the applicant(s) had been exonerated. Furthermore, it is submitted that the respondent was not in know about the name of the applicant, to be still continuing in the FIR, which has already been quashed against her parents, as well as brother. In the given circumstances, it is submitted that it is civil litigation, pending between the parties and therefore, the applicants are not required to make appearance on each and every date of



hearing. Also further, it is submitted that if the transfer applications are accepted, it shall be too harsh for the respondent also, as the witnesses to be examined in the civil suits, are more or less, from Ludhiana and it shall be very inconvenient for the applicant to arrange for presence of the witnesses before the Court concerned. Considering the same, it is submitted that it shall be inconvenient for the applicant also, to pursue the litigation, though through attorney-holder, if the same is transferred. As such, a prayer is made for dismissal of the transfer applications.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, in case of transfer application relating to the matrimonial dispute. However, the same is not a thumb rule. Various other circumstances, spelt out from the material coming forth, also ought to be taken into consideration. In the case in hand, three civil suits filed by the respondent, are basically an offshoot of the matrimonial dispute of the applicant with her ex-husband, namely, Pankul Bakshi, which has since been settled, on the basis of the MOU dated 06.10.2023 (Annexure P-2), executed between the parties. On the basis of the said MOU, even the decree of divorce by mutual consent, has been passed and also the FIR bearing No.288, as detailed aforesaid, has since been quashed. So far as the respondent is concerned, on the basis of the information furnished by the counsel for the applicant(s), received under the Right to Information Act, it is evident that she is still nominated as an accused in the FIR and qua her, the FIR has not been quashed.

However, considering the manner, in which quietus has been



given to the matrimonial dispute of Arpita @ Arpita Chitkara, it is evident that the settlement was reached, vide MOU, for restraining either of the sides to indulge into any other litigation. The divorce petition was also filed by Pankul Bakshi, through his father, Kewal Krishan Bakshi, being attorney-holder. Later on, when the matter was settled between Arpita @ Arpita Chitkara and her husband Pankul Bakshi, three civil suits were filed against the applicant, as well as her mother and brother, at the instance of Nikita Bakshi, through her father, Kewal Krishan Bakshi, as attorney holder. He is signatory to the MOU aforesaid. Considering the aforesaid circumstances, much less be stated with regard to malafide intention, working behind the mind of the respondent.

Though, the applicant is working, but however, considering the manner in which the civil suits have been filed and also considering the distance between Faridabad and Ludhiana, it would be just and expedient to allow the transfer applications. Hence, all the three transfer applications i.e. TA-1039-2024, TA-1040-2024 and TA-1045-2024 are hereby allowed and the civil suit i.e. CS/3690/2024, titled '*Nitika Bakshi Vs. Ankit Chitkara*', civil suit i.e. CS/3671/2024, titled '*Nitika Bakshi Vs. Arpita Chitkara*' and the civil suit i.e. CS/3684/2024, titled '*Nitika Bakshi Vs. Sushma Chitkara*', filed by the respondent-Nitika Bakshi, stand transferred from the Courts at Ludhiana, to the Court of competent jurisdiction at Faridabad. The requisite record of the aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Faridabad.

At this stage, it is brought to the notice of this Court that three



civil suits, which have been filed by the respondent, on the basis of the same facts, are at present, pending in three different Courts.

Learned District and Sessions Judge, Faridabad, to ensure about assigning the suits in question to one Court, keeping in view the convenience of both the sides. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

The Court concerned shall make an endeavour to take up all the cases, preferably on one and the same date.

While considering the statement made by the counsel for the respondent, about difficulty faced by the respondent for examination of the witnesses, in the eventuality of transfer applications being accepted, it is pertinent to mention that respondent always has an option to file an application before the Court concerned to facilitate appearance of the respondent, as well as witnesses (if any), as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

26.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes