



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

Sr. No.217 (2 cases)

Date of Decision: 08.05.2025

1.

TA-1208-2024 (O&M)

DIVYA GUPTA

....Applicant

Versus

ARUN GOYAL

.....Respondent

2.

TA-1086-2024 (O&M)

ARUN GOYAL

....Applicant

Versus

DIVYA GUPTA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Dhruv Gupta, Advocate
for the applicant (in TA-1208-2024) and
for the respondent (in TA-1086-2024).

Mr. Navneet Jindal, Advocate
for the applicant (in TA-1086-2024) and
for the respondent (in TA-1208-2024)

ARCHANA PURI, J. (Oral)

These are two applications filed at the instance of the applicant
for seeking transfer of the litigation, pending between the parties to the lis.

TA-1208-2024 has been filed by the applicant/wife for seeking
transfer of the petition under Section 13 of Hindu Marriage Act i.e.



HMA/303/2024 titled '*Arun Goyal v/s Divya Gupta*', filed at the instance of respondent/husband, which is pending in the courts at Chandigarh and she seeks transfer of the same to the court of competent jurisdiction at Ambala.

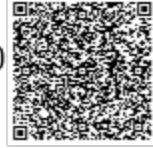
TA-1086-2024 has been filed by the applicant/husband for seeking transfer of the petition under Section 9 of Hindu Marriage Act i.e. HMA/643/2024 titled '*Divya Gupta v/s Arun Goyal*', filed at the instance of respondent/wife, which is pending in the courts at Ambala and he seeks transfer of the same to the court of competent jurisdiction at Chandigarh.

Both the parties are referred to as wife and husband, respectively, as per their status in the marital alliance.

Upon notice, the respondent had made appearance through counsel and filed their respective replies.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the husband-Arun Goyal that the marriage between the parties to the lis, had taken place on 22.11.2020, but no child was born from the said wedlock. However, on account of matrimonial dispute, the parties are residing separate. The husband has filed the divorce petition in the courts at Chandigarh. It is further submitted that the wife is working in Gurugram and she has concealed the aforesaid fact. In the given circumstances, when the wife is working at Gurugram, it is submitted that it is difficult for him also, to pursue the said petition, pending at Ambala. Also, while making reference to the reply filed at the instance of the wife, counsel for the husband submits that she is well qualified, having done M.Tech and used to work in EXL company in Gurugram and thereafter, she resigned from the said company w.e.f. 07.01.2025, copy whereof is Annexure R-1. However,



it is submitted that she still continues to work at Gurugram, which fact has been concealed by her.

On the contrary, counsel for the wife submits that she has also filed one complaint under Section 12 of Protection of Women from Domestic Violence Act, as well as got lodged an FIR No.19 dated 13.05.2024 under Sections 323/34/406/498-A/506 IPC and the respondent is facing trial in the same. Also, it is submitted that she is presently jobless and is hunting for the job. Her father has already expired and she is dependent upon her widow mother.

In view of the submissions made aforesaid, it is pertinent to mention that there is no child born from the wedlock of the parties. On account of matrimonial dispute, the husband-Arun Goyal, is already pursuing two cases filed at the instance of the wife at Ambala. The wife has already filed three cases, relating to this matrimonial dispute, which are pending in the courts at Ambala, in which the husband is facing trial in the criminal case and also making appearance in the petition under Section 9 of Hindu Marriage Act. The counsel for the husband submits that he has not received the summons qua the petition under Section 12 of Protection of Women from Domestic Violence Act.

Considering the same and also taking into consideration the fact of the applicant, not being in job at present, the transfer application i.e. TA-1208-2024, filed at the instance of the wife, is hereby allowed and the petition under Section 13 of Hindu Marriage Act i.e. HMA/303/2024 titled '*Arun Goyal v/s Divya Gupta*', filed at the instance of respondent/husband, stands transferred from the Family Court, Chandigarh to the Court of competent jurisdiction at Ambala. The requisite record of the aforesaid case



be sent by the Family Court, Chandigarh, to the District and Sessions Judge, Ambala.

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

Whereas, the transfer application i.e. TA-1086-2024, filed at the instance of the husband-Arun Goyal, is hereby dismissed.

However, making the balance of the convenience/inconvenience of the parties concerned, it is hereby requested to the court concerned, to whom the case is assigned, to adjourn all the cases pending between the parties, on one and the same date, in the fitness of the circumstances.

08.05.2025
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No