



TA-1584-2022 (O&M) AND CRM-M-55730-2023

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

Sr. No.101

Date of Decision: 16.05.2025

1.

TA-1584-2022 (O&M)

NEELAM GOEL

....Applicant

Versus

SHONIT GOEL

.....Respondent

2.

CRM-M-55730-2023

SHONIT GOEL

....Petitioner

Versus

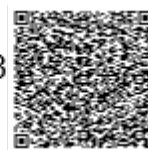
NEELAM GOEL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vishal Sodhi, Advocate
for the applicant (in TA-1584-2022) and
for the respondent (in CRM-M-55730-2023).

Mr. Nitin Verma, Advocate
for the respondent (in TA-1584-2022) and
for the petitioner (in CRM-M-55730-2023).



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ARCHANA PURI, J. (Oral)

CM-8546-CII-2025 IN TA-1584-2022

The present application has been filed for placing on record the affidavit of the applicant.

In view of the averments made in the application, same is allowed and the requisite affidavit is taken on record.

CM-9862-CII-2025 IN TA-1584-2022

The present application has been filed for placing on record the affidavit, as well as the documents Annexures P-5 and P-6.

In view of the averments made in the application, same is allowed and the requisite affidavit along with documents, Annexures P-5 and P-6, is taken on record.

Main cases

Vide this order, I shall dispose of two cases, filed by the parties to the lis, for seeking transfer of the litigation, pending between them.

TA-1584-2022 has been filed by the applicant-wife for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/121/2021, titled '*Shonit Goel Vs. Neelam Goel*', filed by the respondent-husband, as well as the petition under Section 25 of the Guardians and Wards Act i.e. GW/24/2021, titled '*Neelam Goel Vs. Shonit Goel*'. The said cases are pending in the Courts at Patiala and the applicant seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

CRM-M-55730-2023 has been filed by the petitioner-husband for seeking transfer of the petition under Section 125 of the Criminal



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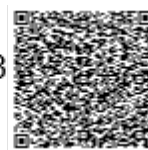
Procedure Code i.e. MNT-125/260/2022, titled '*Neelam Goel Vs. Shonit Goel*', filed by the respondent-wife. The said case is pending in the Courts at Chandigarh and the petitioner seeks transfer of the same, to the Court of competent jurisdiction at Patiala.

Upon notice issued, respective respondents have made appearance through counsel in respective cases. The counsel for the husband has filed reply in TA-1584-2022.

The counsel for the parties heard.

For the convenience of discussion, the parties shall be referred, as pleaded in TA-1584-2022.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, was solemnized on 24.04.2016. One son born from the said wedlock on 12.05.2018, is presently in the custody of the respondent-husband. However, on account of the matrimonial dispute, the parties are residing separate. The applicant, at present, is residing at her maternal aunt's place in Chandigarh and her parents are residing at Zirakpur. Also, it is submitted that a complaint was filed by the applicant, before Senior Superintendent of Police, Patiala, for registration of FIR, against the respondent, on account of demand of dowry and cruelty. However, the same was not responded to and no action has been taken upon the same. Thereafter, she had filed a complaint before Chandigarh Police, on the basis whereof, FIR bearing No.18 dated 07.04.2023, under Sections 406 and 498-A IPC, at Women Police Station, Chandigarh, was registered and therein challan has been presented. The respondent is facing trial, relating to the said FIR, in the Courts at



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Chandigarh.

Even, it is submitted that the applicant had filed the petition under Section 125 Cr.P.C. i.e. COMP-125/260/2022. In the said petition, even though, interim maintenance to the extent of Rs.3,000/- per month has been affixed by learned Family Court, but however, the respondent is not making payment of the same and as such, he is in arrears of the interim maintenance.

In the given circumstances, when the applicant is not having any source of earning, it is difficult for her to defend the petition under Section 9 of the Hindu Marriage Act, as well as the petition under Section 25 of the Guardians and Wards Act, which are pending in the Courts at Patiala.

On the other hand, the counsel for the respondent, while making reference to the reply filed, submits that the applicant has not come to the Court with clean hands. In fact, the parents of the applicant are staying at Zirakpur and she has falsely claimed herself to be residing in Chandigarh. Further, it is submitted that it is only due to bad conduct of the applicant, that the FIR was not registered by Senior Superintendent of Police, Patiala. At this stage, it is pointed out by the counsel that visitation rights were given in the custody petition, vide order dated 05.04.2022, copy whereof is Annexure R-2 and the same is also not complied with by the applicant, though she had sought the visitation rights herself. Even the fact regarding the occurrence of altercation having taken place in the premises of Kali Mata Temple, Patiala, is false and only on this account, no action had been taken against the respondent. Also, it is submitted that the respondent is taking care of the minor child, who is studying in the school at Patiala. Therefore,



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watching the interest of the minor child, it is submitted that it would not be possible for the respondent also, to defend the litigation, if the application filed by the applicant is allowed.

The counsel for the respondent has placed reliance upon the judgment passed by Hon'ble Supreme Court in *Transfer Petition (Civil) No.2154 of 2023*, titled '*Preeti Vs. Manoj Kumar*', to submit that the guardian petition, be not transferred.

In view of the rival submissions made aforesaid, it is pertinent to mention that generally, the Courts lean towards the convenience of wife, in case of transfer applications relating to the matrimonial disputes. However, it is not a thumb rule. Various other circumstances spelt out from the material brought on record, also ought to be taken into consideration. In the case in hand, there is one child of the parties to the lis, who is about 7 years old and is in the care and custody of the respondent. The respondent is stated to be living at Patiala. He himself is working in the Health Department and presently, posted at Sunam. Considering the same, it is pertinent to mention that so far as, affixation of interim maintenance at the rate of Rs.3,000/- per month, is concerned, the same is not disputed by the respondent and at present the respondent is in arrears of the amount. Not only this, even, the respondent is facing trial, relating to FIR, as detailed aforesaid, in the Courts at Chandigarh.

Furthermore, though there is question with regard to residence of the applicant, coming forth, but however, copy of the Aadhar Card of her present place of residence, has been placed on record, at page No.41 of TA-1584-2022 and the same reflects her to be residing at Chandigarh. Though,



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it is submitted that the parents of the applicant are residing at Zirakpur, but however, the affidavit, which has come on record today, at the instance of the applicant, reveals about the applicant to be residing at her maternal aunt's residence, in Chandigarh. In the given circumstances, the present address of the application, can be taken into consideration.

Considering the aforesaid circumstances, I have gone through the judgment relied upon by the counsel for the respondent. Perusal of the same reveals that there was an observation made by Hon'ble Supreme Court, about the erroneous recording of place of residence of the wife, in the impugned order and on this account, further order was passed about there to be no reason to grant relief for transfer of the case. However, interest of the child is of paramount importance.

In view of the aforesaid fact situation, more particularly, when the child is not required to be produced in the Court concerned, on each and every date of hearing, the transfer application i.e. TA-1584-2022, filed by the applicant-wife, is hereby allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/121/2021, titled '*Shonit Goel Vs. Neelam Goel*', filed by the respondent-husband, as well as the petition under Section 25 of the Guardians and Wards Act i.e. GW/24/2021, titled '*Neelam Goel Vs. Shonit Goel*', stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Chandigarh.

Learned District and Sessions Judge, Chandigarh, shall assign the said petition to the Family Court, Chandigarh. Even, the parties are



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directed to appear before the Family Court, Chandigarh, within a period of one month from today onwards.

However, the transfer petition i.e. CRM-M-55730-2023, stands dismissed.

At this stage, it is pertinent to mention that in the pending guardianship petition, vide order dated 05.04.2022, visitation rights were granted by learned Family Court, in favour of the applicant, for meeting the minor child, twice a month and the place was earlier specified as 'Kali Mata Temple, Patiala'.

Keeping in view this order, after transfer of the guardianship petition, it shall be open for the Court concerned to pass any appropriate order, with regard to execution of further visitation rights.

Also, the respondent always has an option to file an application for making appearance before the Court concerned, 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.

16.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No