



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.119

TA-1536-2024 (O&M)
Date of Decision: 27.02.2025

SHIVIKA GARG

....Applicant

Versus

ATUL GOYAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Jagdish Manchanda, Advocate
for the applicant.

Mr. Sanjeev K. Sharma and Mr. Deepak Aggarwal, Advocates
for the respondent.

ARCHANA PURI, J. (Oral)

CM-779-CII-2025

The present application has been filed for placing on record
Annexures A-3 to A-28.

However, at this stage, the counsel for the respondent submits
that he does not intend to file reply to the said application and has no
objection if the requisite documents are taken on record.

In view of the submission, so made, without prejudice to the
rights of the parties to be adjudicated on merits, the application is allowed
and the requisite documents are taken on record as Annexure A-3 to A-28.

Main case

The applicant-wife has filed the present application for seeking
transfer of the petition under Section 13 of the Hindu Marriage Act, titled
‘Atul Goyal Vs. Shivika Garg’ (Annexure A-1), filed by the respondent-



husband, pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Shahabad, District Kurukshetra.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

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 14.11.2011, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. The applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is pending in the Courts at Faridabad. However, the counsel submits that she intends to seek transfer of the same also, to the Courts at Shahabad, by way of filing separate transfer application. Even, it is submitted that the petition under Section 125 Cr.P.C. has been filed by the applicant, but the mention thereof is not made in the transfer application.

On the contrary, the counsel for the respondent, while making reference to the reply filed, submits that there is concealment of the material facts in the application. In fact, the applicant is qualified B.Tech. (Computer Science) from MSRIT, Bangalore and she is engaged into teaching students preparing for competitive examination like IELTS, GMAT, CAT, GRE, spoken English training etc. Also, she has been awarded by Hon'ble Ex-President, Dr. APJ, Abdul Kalam. In these circumstances, it is submitted that the applicant is seeking transfer, only to cause delay of the decision of divorce petition. In fact, the ground taken is with regard to bearing of travelling expenses and the counsel for the respondent submits that the



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respondent is ready to make payment of the travelling expenses, if so ordered by this Court. Moreover, it is submitted that the divorce petition is at its fag end now. The evidence has been concluded by the respondent in the month of September, 2024, but however, the applicant has not led any evidence and has now filed the transfer application to cause delay of the decision of the divorce petition.

Even, an application i.e. CM-779-CII-2025, has been filed by the counsel for the applicant, which is allowed today itself and Annexures A-3 to A-28 have been taken on record.

At the very outset, it is pertinent to mention that even though, the convenience of the wife is to be given preference, in case of the transfer applications, relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances spelt out from the material brought forth, also ought to be taken into consideration. In CM-779-CII-2025, vide which various documents have been taken on record, the pending litigation between the parties has been reproduced in the tabular form, in paragraph No.4, wherein, there is mention of as many as 10 other cases, apart from the divorce petition. The mention of the said litigation, pending between the parties, has not been made in the transfer application. This is the material omission/concealment on the part of the applicant.

On query by the Court, it is disclosed by the counsel for the applicant, that in none of the other litigations, cited at serial No.2 to 11, any transfer application has been filed by the applicant, till date. Considering the aforesaid conduct of the applicant, it is pertinent to mention that the divorce petition, which is sought to be transferred, is now at the stage of recording of evidence of the applicant herself and she is herself causing delay, since



closing of the evidence of the respondent in the divorce petition, in the month of September 2024. On further query, it is stated by the counsel for the applicant that till date, no evidence has been got recorded by the applicant. Not only this, it is further significant to note that in the reply to the divorce petition, copy whereof is Annexure A-2, the applicant herself had stated to be a qualified B.Tech. (Computer Science) from MSRIT, Bangalore and she is engaged into teaching students preparing for competitive examination like IELTS, GMAT, CAT, GRE, spoken English training etc. Furthermore, she has also stated therein about having been awarded by Hon’ble Ex-President, Dr. APJ, Abdul Kalam. From the same, if not anything else, it is quite evident that the applicant is well-qualified and a confident girl, who has been awarded, on account of her competence.

The aforesaid fact has also not been disclosed in the application, which is pointer to an intentional concealment of the material fact, having bearing on the decision of the transfer application. Taking into consideration all the aforesaid circumstances, more particularly, while considering the fact of voluminous litigation pending between the parties at Faridabad, qua which, no transfer has been sought, no case is made out for allowing the transfer application.

Hence, the transfer application is hereby dismissed.

27.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No