



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

**Sr. No.243****TA-1145-2024****Date of Decision: 22.01.2026****NIDHI GOEL****....Applicant****Versus****VINAY MITTAL & ORS****.....Respondents****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Saurav Saini, Advocate  
for the applicant.

Mr. Vikas Garg, Advocate  
for respondents No.1 to 3.

None for respondent No.4-State.

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**ARCHANA PURI, J. (Oral)**

The applicant, Nidhi Goel, has filed the present application for seeking transfer of the civil suit for mandatory injunction, copy whereof is Annexure P-2, filed at the instance of the parents-in-law, respondents No.1 and respondent No.2. Respondent No.3 is the husband of the applicant. The said civil suit is pending in the courts at Bathinda and she seeks transfer of the same to the court of competent jurisdiction at Rohtak.

Upon notice issued, respondents No.1 to 3 made appearance through counsel and filed reply. Even, short reply by way of an affidavit has also been filed at the instance of respondent No.4, SHO, against whom the civil suit has been filed.

Counsel for the parties heard.



At the very outset, it is submitted by the counsel for the applicant that the marriage of the applicant with respondent No.3, had taken place on 08.12.2022. However, the matrimonial dispute arose between them. The husband of the applicant is residing at New York. The applicant was stated to be working, prior to the solemnization of marriage. Also, at the time of filing of the application, she was not working, but however, counsel has now stated that the applicant is working at Gurugram in the IT company, but he has not disclosed her designation. On query, it is stated that she is working as Manager in the IT company at Gurugram.

On further query, as to whether she is residing at Gurugram, counsel submits that the applicant is making up and down from Rohtak, which is her parental place. It is also submitted that the applicant had got lodged and FIR, on the basis of the complaint by her, copy whereof is Annexure P-3, which is still pending investigation. In the given circumstances, it is submitted that it is difficult for her to pursue the litigation, pending at Bathinda, which is at a distance of about 254 kms.

On the other hand, counsel for respondents No.1 to 3, while making reference to the reply, submits that the applicant had concealed the material facts. In fact, respondents No.1 and 2, who are the parents in law of the applicant, have filed the petition under Section 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2015 and under Section 23 of the Senior Citizen Act, which is pending in the courts at Bathinda and the applicant has been proceeded against *ex parte*. In fact, it came forth on the disclosure made by the counsel for respondent, about the applicant to be working, vide order dated 24.09.2025, this court had ordered



counsel for the applicant, to file an affidavit, thereby giving the detail of the working status of the applicant. However, in compliance of the said order, no affidavit, as such, has been filed.

In view of the submissions made aforesaid, at the very outset, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration, such like, education qualification of the spouses; there source of earning; the fact of child born from the wedlock and which of the spouse is having the custody of the child; capacity to raise the children; convenience of witnesses; the distance between the two places, so on and so forth. There cannot be any straight jacket formula, while adjudicating on the transfer application, relating to the matrimonial dispute. Each case has to be decided on its own factual background.

In the case in hand, the applicant, at first instance, did not state about herself to be working. It was only during the pendency of the transfer application, it came forth that the applicant is working and thereupon, vide order dated 24.09.2025, this court had ordered the counsel for the applicant to file an affidavit, thereby giving detail of working status of the applicant, before filing of transfer application, as well as the detail of the job and the extent of salary drawn, by her, but however, the compliance of the said order, has not been made. Anyways, on query by the court, it is disclosed that she is working as Manager in the IT Company at Gurugram and making up and down from Rohtak.

Considering the aforesaid conduct of the applicant and the compliance of the aforesaid order in filing the affidavit, having not made and



further also, considering the litigation, which is sought to be transferred, to be of civil nature, wherein the applicant is not required to make appearance on each and every date of hearing, this court does not deem it appropriate to accept the transfer application. Hence, the same is hereby dismissed.

Anyhow, considering the convenience of the applicant, on account of the distance, if there is any constraint in making appearance, if called by the court, where the civil suit is pending, she always has an option to file an application before the concerned court, for making appearance through video conference and if any such application is filed, the court may consider the same, in the fitness of the circumstances and pass an appropriate order.

22.01.2026  
Sonu Saini

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : Yes/No