



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

Sr. No.103

TA-1640-2023

Date of Decision: 27.08.2025

PREETI GARG

....Applicant

Versus

ABHINAV GOYAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sanjeev Manrai, Senior Advocate, assisted by
Mr. Rohit Bhardwaj, Advocate
for the applicant.

Ms. Renu Bala Kamboj, Advocate for
Mr. Vivek Goyal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Replication filed by way of additional affidavit of the applicant,
is taken on record.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, titled '*Abhinav Goel Vs. Preeti Garg*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.

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



Even, replication was filed at the behest of the applicant.

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, had taken place on 07.02.2022, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant is residing at her parental place in Panchkula. She has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMI/81/2023, which is pending in the Courts at Panchkula and the respondent is pursuing the same. Furthermore, it is submitted that on account of the matrimonial dispute, the father of the applicant has suffered brain stroke. Even, the applicant is not keeping good health, on account of this dispute. In these circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 125 kilometres, to defend the aforesaid litigation.

Besides the aforesaid, it is submitted that the applicant has filed the divorce petition, which is also pending in the Courts at Panchkula. Furthermore, in the additional affidavit, which has been taken on record today itself, it is submitted that the applicant was earlier working in KPMG, but she had to resign from the said job, on account of her not being able to give satisfactory services, due to ongoing matrimonial dispute. Thereafter also, she had joined other job in IIT, Ropar, at monthly salary of Rs.88,000/- and she had resigned from the said job as well. In the given circumstances, it is submitted that the transfer application be accepted.



On the contrary, counsel appearing on behalf of the respondent, while making reference to the reply, submits that the applicant is a well-educated lady, holding degrees of B.Tech. and M.B.A. She is stated to be an earning hand and having a monthly salary of Rs.3,00,000/-, whereas her husband, who is the respondent, is drawing a salary of Rs.1,64,000/-. Since, the applicant is financially independent, she is in a position to pursue the litigation, if it remains pending at Karnal. Furthermore, it is submitted that the fact of the applicant working at KPMG, as now admitted in additional affidavit, but was not stated so, in the application. Even, her subsequent job in IIT, Ropar, was not disclosed in the application. As such, it is submitted that there is concealment of material facts.

Considering the submissions aforesaid, it is pertinent to mention that the Courts generally give preference to the convenience of wife, while considering the transfer application relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. The conduct of the parties to the transfer application, is of paramount importance and concealment of any material fact, which has bearing on the transfer application, ought to be taken into consideration. In the case in hand, in the application, at first instance, there is no mention made about the qualification of the applicant, or about her having any source of earning of livelihood, which has bearing on the decision of the transfer application. It was subsequently in pursuance of the contentions raised by the husband in the reply, that the applicant in the additional affidavit, had stated about herself to be earlier working at KPMG, at an annual package of



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Rs.33,00,000/-. Also, in the said affidavit, it is stated that the applicant had lost the said job, on account of disturbed state of mind, due to the matrimonial dispute. Furthermore, she had allegedly joined job in IIT, Ropar, at a monthly salary of Rs.88,000/-, as stated in her additional affidavit, but again, relating to the same, the mention was not made in the application, at first instance.

This is a material omission, on the part of the applicant. In any case, otherwise also, she is a well-qualified lady, who has done B.Tech. & M.B.A. and she is financially affluent person, who can very well pursue the litigation, if it remains pending at Karnal, which is well-connected with Panchkula, by road and rail.

Considering all the aforesaid circumstances, the transfer application is hereby **dismissed**.

27.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No