



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

Sr. No.228

**TA-425-2025
Date of Decision: 26.08.2025**

SHILPI GARG

...Applicant

Versus

ANIL DAS

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Tushar Gautam, Advocate
for the applicant.

Mr. Abhinav Sood, Advocate
for the respondent.

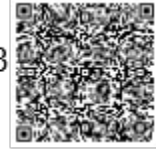
ARCHANA PURI, J. (Oral)

The applicant has filed the present application for seeking transfer of the suit for damages i.e. CS/2287/2024, titled '*Anil Das v/s Mrs. Shilpi Garg*', filed by the respondent, pending in the courts at Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.

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

Counsel for the parties heard.

At the very outset, it is submitted by the counsel that the applicant was engaged on the post of Assistant Manager-Talent Acquisition, with M/s HR India Solutions, where the respondent was working as Senior Manager. She joined the said firm on 12.02.2024. However, on account of malafide conduct of the respondent, she had filed complaint against him to



Police Station, Rajindra Park, Gurugram, for the act of harassment, molestation under the provisions of Indian Penal Code as well as sexual harassment of women at workplace. It is further submitted by the counsel for the applicant that the said complaint, as per his instructions, is still pending, before the police authorities. On this account, it is submitted that the applicant had discontinued her job and now she is unemployed. Even, the husband of applicant has undergone left knee surgery from Marengo Asia Hospital on 28.01.2025. In these circumstances, it is submitted by the counsel for the applicant that while taking care of the 9 year old child, it is difficult for her to pursue the litigation, pending at Faridabad.

On the other hand, counsel for the respondent while making reference to the reply, submits that the applicant has not approach the court, with clean hands. In fact, there is material concealment of the fact about the complaint filed at her instance, before the police authorities, copy whereof is Annexure R-1, to have already been ordered to be consigned. In this regard, he makes reference to Annexure R-3, wherein, the observations were made by the police authorities, with regard to the applicant-Shilpi Garg, not having complied with the direction given to produce the evidence and did not make appearance and consequently, after recording of the statement of Anil Das, the said complaint was ordered to be consigned. This order was passed on 13.09.2024. However, the transfer application was filed on 20.03.2025 and yet this fact was concealed by the applicant. Counsel for the respondent also submits that the said application is still pending, but there is no mention made. Rather, in the transfer application, there is only mention made about the filing of the application and what was the status of the same, at the relevant time, was also not been mentioned.



Considering the aforesaid fact of omission on the part of the applicant and also taking into consideration there to be no other litigation pending between the parties, as well as, matter being civil in nature, wherein the presence of the parties is not required on each and every date of hearing, no ground is made out to transfer the civil suit. As such, the transfer application is hereby dismissed.

However, the applicant 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.

26.08.2025

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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No