CNR No: PHHC011991392025
2026:PHHC:202574

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No.1625 of 2025
Date of decision: 17.11.2026

Shivani

…Applicant

Versus

Sunil Kumar

…Respondent

CORAM: ***HON'BLE MS. JUSTICE MANDEEP PANNU***

Present :- Mr. Sunil Agnihotri, Advocate
for the applicant.

Ms. Shruti Mandhotra, Advocate
for the respondent.

*****

MANDEEP PANNU, J. (Oral)

1. The present transfer application has been filed by the applicant seeking transfer of the proceedings in Civil Suit No.591 of 2025 titled *'Sunil Kumar vs. Shivani'*, for recovery on account of damages, pending before the Court of learned Additional Civil Judge (Senior Division), Phillaur to the court of competent jurisdiction at Mukerian, District Hoshiarpur.

2. Learned counsel for the applicant submits that the respondent, who is the brother-in-law of the applicant, has instituted the aforesaid civil suit for recovery of damages at Phillaur, which is situated at a distance of approximately 120 kilometres (one way) from Village Ghaseetpur, Tehsil Mukerian, where the applicant is presently residing. It is further contended

NEETU RANI
2026.11.17 16:13
I attest to the accuracy and
integrity of this ORDER/JUDGMENT
PHHC, CHD

shoneekapoor.com

CNR No: PHHC011991392025
2026:PHHC:202574

that another proceeding, i.e a petition under Section 144 of the BNSS, between the applicant and her husband, is pending at Mukerian. It is also submitted that the applicant is presently residing with her parents and that her father is a poor person who is presently sick and bedridden. Furthermore, the applicant has no independent source of income and is unable to maintain herself. It would, therefore, be extremely difficult for her to travel alone from Village Ghaseetpur to Phillaur to attend the Court proceedings. In view of the aforesaid circumstances, learned counsel submits that it would be in the interest of justice if the aforesaid civil suit is also transferred to Mukerian, District Hoshiarpur.

3. Reply dated 23.04.2026 on behalf of the respondent, along with Annexures R-1 to R-4, is already available on the file and these documents are taken on the record.

4. *Per-contra,* learned counsel for the respondent, while opposing the transfer application, submits that the civil suit in question is pending before the competent Court at Phillaur. It is further submitted that the applicant is gainfully employed as a nurse and is earning approximately Rs.30,000/- per month. Learned counsel also points out that the FIR registered at the instance of the applicant under Section 498-A IPC (now Section 85 of the BNS) is pending only against her husband and that the respondent has not been arrayed as an accused therein. It is further contended that the applicant has concealed material facts, as her father had already passed away about 7-8 years ago and, therefore, the plea regarding his illness and bedridden condition is factually incorrect. Learned counsel

NEETU RANI
2026.11.17 16:13
I attest to the accuracy and
integrity of this ORDER/JUDGMENT
PHHC, CHD

CNR No: PHHC011991392025
2026:PHHC:202574

further submits that the proceedings pending at Mukerian are between the applicant and her husband and do not involve the respondent. On these grounds, it is contended that no case for transfer of the civil suit is made out.

5. I have heard learned counsel for the parties and have perused the file with their able assistance.

6. A perusal of the record reveals that the applicant has sought transfer of the civil suit primarily on the ground that she is residing with her parents and her father is sick and bedridden. However, the respondent has specifically asserted that the father of the applicant had already passed away about 7-8 years ago before the marriage of the applicant. This assertion is substantiated by the wedding invitation card placed on record as Annexure R-3 wherein the name of applicant has been mentioned as '*Shivani D/o Smt. Shakuntla Devi w/o Late Sh. Lakhwinder*'. Thus, the applicant has made a false averment regarding the illness and bedridden condition of her father who was already dead at the time of filing of the present transfer application, which constitutes concealment of a material fact having a direct bearing on the relief sought in the present application.

7. It is well settled that a litigant seeking discretionary relief from the Court is required to approach the Court with clean hands and make a full and fair disclosure of all material facts. Suppression or misrepresentation of material facts disentitles a party from claiming such relief. In the present case, the applicant has not only suppressed a material fact but has also sought to seek advantage on the basis of a factually incorrect assertion.

NEETU RANI
2026.11.17 16:13
I attest to the accuracy and
integrity of this ORDER/JUDGMENT
PHHC, CHD

CNR No: PHHC011991392025
2026:PHHC:202574

8. In view of the aforesaid circumstances, this Court is of the considered opinion that the applicant is not entitled to the discretionary relief of transfer. Consequently, the present transfer application is ***dismissed***.

9. Nothing observed herein shall be construed as an expression of opinion on the merits of the pending proceedings.

10. Pending application(s), if any, also stand(s) disposed of.

(MANDEEP PANNU)
JUDGE

17.11.2026
neetu

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

shoneekapoor.com

NEETU RANI
2026.11.17 16:13
I attest to the accuracy and
integrity of this ORDER/JUDGMENT
PHHC, CHD