

CRM-M-13729-2013 (O&M)

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

**CRM-M-13729-2013 (O&M).
Decided on: March 27, 2015.**

Rupinder Kaur and others

..... Petitioner(s)

Versus

Harjinder Kaur

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.I.S.Parmar, Advocate,
for the petitioner.**

**Mr.Ashok Sharma Nabhewala, Advocate,
for the respondent.**

M.M.S. BEDI, J (ORAL)

Petitioners seek transfer of complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, (for short 'the Act') titled Harjinder Kaur Vs. Rupinder Kaur and others, from the Court of Additional Chief Judicial Magistrate, Ambala to the Court of competent jurisdiction at Ludhiana.

Petitioner No.2 & 3 are the parents of petitioner No.1 and petitioner No.4 is brother of petitioner No.1. Respondent is the mother-in-law of petitioner No.1.

Copy of complaint under Section 12 of the Act, Annexure P1, indicates that Harjinder Kaur as aggrieved person has claimed that she is an old lady having been harassed by the petitioner Rupinder Kaur, her daughter-in-law and other petitioners who are related to petitioner No.1. She claims that she had been

CRM-M-13729-2013 (O&M)

beaten by the petitioners at Ambala. She has claimed protection order under Section 18 read with Section 19 of the Act and monetary compensation. It appears that she has got domestic incident report prepared from the Protection Officer.

Petitioners have prayed for transfer of the complaint on the ground that other litigation between petitioner No.1 and her husband is pending at Ludhiana. The petition under the Act filed by her mother-in-law should also be transferred to Ludhiana.

I have considered the facts and circumstances of this case and I am of the opinion that the petitioners have been made respondents by mother-in-law of petitioner No.1, Harjinder Kaur respondent in a complaint under the Protection of Women from Domestic Violence Act, 2005. A complaint under Section 12 of the Act, is not required to be contested by appearing in person on each date of hearing and by merely engaging a counsel, the proceedings can be contested. Any order passed by the Court is an appealable order or amenable to the inherent jurisdiction under Section 482 Cr.P.C.

Without expression of any opinion on merits, it is sufficient to observe that the respondent claiming herself to be an old female has filed a complaint at Ambala. The complaint may be frivolous or a mode to harass the petitioners but I do not find any ground to transfer the same from Ambala to Ludhiana as the same can be contested through the Advocate.

CRM-M-13729-2013 (O&M)

The petition is dismissed.

March 27, 2015.
rka

(M.M.S. BEDI)
JUDGE