

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-27894-2014
Date of decision:20.04.2015

Jarnail Singh

...Petitioner

Versus

Parminder Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Deepak Aggarwal, Advocate for the petitioner.

Mr.Chanderdeep Singh, Advocate for
Mr.Nitin Kaushal, Advocate for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks transfer of the proceedings filed by the respondent-wife under Section 125 of the Code of Criminal Procedure (for short 'Cr.P.C.') pending before the learned court of competent jurisdiction of Mansa to Bathinda.

Learned counsel for the petitioner raised only one argument that the respondent-wife herself is living in District Bathinda and not in Mansa.

On the other hand, learned counsel for the respondent-wife submits that respondent-wife is not living in District Bathinda but in District Mansa. He further submits that petition under Section 125 Cr.P.C. was instituted by the respondent-wife at Mansa only because she was living at Mansa.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered

view that no case for transfer of the petition under Section 125 Cr.P.C. has been made out from Mansa to Bathinda. To say so, reasons are more than one, which are being recorded hereinafter.

Firstly, it is the settled proposition of law that the paramount consideration in the matters of transfer of cases from one court to another particularly under Section 125 Cr.P.C. would be convenience of the wife. Secondly, the distance between District Bathinda and Mansa is hardly about 60 kms and it is not very difficult for the petitioner-husband to go to Mansa for attending the court proceedings. On the other hand, it would certainly cause inconvenience to the respondent-wife to go to Bathinda from Mansa for attending the court proceedings.

In view of the totality of facts and circumstances of the case noticed hereinabove, no case for transfer of the petition under Section 125 Cr.P.C. is made out.

Dismissed.

20.04.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE