

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-12272 of 2016(O&M)****Date of Decision: April 08, 2016**

Rita Bansal

...Petitioner

VERSUS

Balbir Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Surinder Garg, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 407 Cr.P.C. against respondent Balbir Kaur for transfer of complaint No.35714 of 2013 dated 11.12.2013 titled as 'Sh.Iqbal Singh Bedi vs. Ms.Rita Bansal' under Section 138 of the Negotiable Instruments Act pending in the Court of learn Judicial Magistrate Ist Class, Amritsar, to some competent Court of jurisdiction at Mansa or at any other place near to Mansa.

At the time of arguments, learned counsel for the petitioner argued that petitioner Rita Bansal is suffering from orthopedic disease and she is under treatment of Bansal Orthopedic Centre, Mansa. Earlier, she has been adviced bed-rest for 31 days i.e. up 31.03.2016 and even thereafter, she is on bed-rest due to above-said disease.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that a complaint was filed by Iqbal Singh Bedi, proprietor of Bedi Exports, who died during the pendency of the case and now Balbir Kaur, has been appointed as proprietor of M/s Bedi Exports and has been pleaded as complainant. It is in the petition itself that present petitioner is facing the trial and appearing in the Court since 24.04.2014. As regarding the orthopedic problem or to prove the medical ground, no other document i.e. medical record or opinion of the expert regarding the disease, has been placed on the record except one general certificate issued by private hospital Mansa, stating bed-rest to the present petitioner upto 31.03.2016 and it is stated in this certificate that she is under treatment since 01.03.2016. From this certificate, I find that the petitioner is not suffering from any such disease that she cannot attend the Court at Amritsar. Otherwise also, if the case is transferred to Mansa, then the complainant and the witnesses will have to go the Mansa and more inconvenience would be faced by complainant and witnesses.

Therefore, as no ground is made out for transferring the case from District Court, Amritsar to District Court, Mansa, the present petition is dismissed.

April 08, 2016
Vgulati

(INDERJIT SINGH)
JUDGE