

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

**Crl. Misc. No.M-32817 of 2015 (O&M)
Date of decision : 24.08.2016**

Arundeeep Verma

.....Petitioner(s)

Versus

Varinder Verma and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Pallavi Singh, Advocate
for the petitioner.

Mr. Abnash Singh, Advocate
for the respondents.

ANITA CHAUDHRY, J.

This petition has been filed under Section 407 Cr.P.C. read with Section 482 Cr.P.C. seeking transfer of the petition pending adjudication in the Magistrate's Court at Ludhiana. The petitioner is seeking transfer of the case to Panchkula.

Reply had been filed by the respondents. The zimini orders had also been made available.

Counsel for the petitioner contends that a case had been filed at Ludhiana by the wife though she was residing in the house owned by her father in law. It was urged that a complaint under the Domestic Violence Act and a petition under Section 125 Cr.P.C. had been filed and the petition bearing CRM-M No.6850 of 2015 had been allowed by this Court and the

petition under the Domestic Violence Act was transferred from Ludhiana to the district Courts at Panchkula whereas the petition under Section 125 of Cr.P.C. was not transferred whereas the prayer made in the petition was for transfer of both the cases.

The counsel refers to Annexure P-3. It was urged that the parties had shown unanimity and did not object to the transfer and therefore, the complaint under the Domestic Violence Act was transferred to Panchkula. It was urged that it would be convenient for both the parties when other cases are pending at Panchkula and this case be also transferred.

The submission on the other hand was that the father in law had filed a suit seeking injunction and for directions to vacate the house and that suit had been allowed in November, 2015 and the appeal filed by the respondent was also dismissed by the Additional Sessions Judge and the parents of the girl are residents of Ludhiana.

To a query posed to the respondent as to where the respondent was staying and whether the child was studying at Ludhiana or Panchkula, it was stated that the respondent had taken another premises and was living with her child in Panchkula and the child was studying in a school at Panchkula.

In the light of these circumstances and keeping into view the fact that earlier there was unanimity on the transfer of the complaint filed under the Domestic Violence Act and the complaint had been transferred to the Courts of Panchkula. The respondent is also staying at Panchkula her child is studying there. The petition is allowed and the petition bearing No. MNT 125/104 dated 21.03.2014 titled as Varinder Kaur & another Vs. Arundeeep Verma and another is transferred from Ludhiana to Panchkula to

be tried by the competent Court at Panchkula. Records be transferred immediately by District & Sessions Judge, Ludhiana. A copy of the order be sent to the District & Sessions Judge, Panchkula who shall make over the case to the competent Court.

24.08.2016

(ANITA CHAUDHRY)

Sunil

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No