

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

CRM-M-20985-2016 (O&M)
Date of decision : 25.09.2017

Lakhvir Kaur

...Petitioner

Versus

Rajinderpal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Bal, Advocate,
for the petitioner.

Mr. Yogesh Goyal, Advocate,
for respondent Nos.1, 3 and 6.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the instant petition filed under Section 407 read with Section 482 of the Code of Criminal Procedure (for short, 'the Cr.P.C.'), is for transfer of petition RB No.15 dated 09.02.2015, under Section 12 of the Protection of Women from Domestic Violence Act, 2005, pending before the Court of Chief Judicial Magistrate, Moga, petition RBT No.237 dated 09.02.2015 under Section 125 Cr.P.C. and petition under Section 9 of the Hindu Marriage Act, pending before the court of learned Civil Judge (Senior Division), Moga, to the Court of competent jurisdiction at Ludhiana.

It is asserted that it is difficult for the petitioner to attend the Court proceedings at Moga as she is presently residing at

Mullanpur, District Ludhiana, which is at a distance of about 70 kilometres from Moga.

On the other hand, learned counsel for the respondents contends that the petitioner instituted the proceedings against the respondent at Moga. As against the assertion of the petitioner, the distance between two stations is 49 kilometres as per report of General Manager, Punjab Roadways (Annexure R-1). The respondent has been regularly paying interim maintenance.

Heard.

Distance alone cannot be the sole basis for transferring the matter from the Court of competent jurisdiction, particularly when the petition was filed by the petitioner herself. Otherwise also, the distance between the two stations i.e. Moga and Ludhiana is not alarmingly big. In the petition it has been asserted as 70 kms., whereas, the respondent has stated it to be 49 kms.

However, considering the fact that the petitioner-wife is residing all alone, to lessen hardship, it is directed that respondent shall pay Rupees one thousand on each of her visit to District Court, Moga, for attending the court proceedings.

Disposed of accordingly.

25.09.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

