

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

CRM-M No. 43308 of 2016(O&M)

Date of decision: 20.1.2017

Shoba Kalra

....Petitioner

VERSUS

Ridhima

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The petitioner prays for transfer of the petition filed by Ridhima (minor) through her father for claiming maintenance from the petitioner-mother under Section 125 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.').

Counsel for the petitioner has submitted that a petition for divorce filed at the instance of the petitioner is pending in the Court at Rewari. It is further submitted that father of the petitioner is a heart patient and it is inconvenient for the petitioner to travel from Rewari to Gurgaon for attending to the proceedings for grant of maintenance. Another submission made by counsel is that a compromise was effected between the petitioner and her husband and in pursuance thereof, custody of the minor child was handed over to the father, therefore, he has an obligation to maintain the child and the petition under Section 125 Cr.P.C. has been filed in order to cause harassment to the petitioner.

I have heard counsel for the petitioner, perused the paper-book particularly various Annexures appended with the petition.

Indisputably, the minor child who has claimed maintenance from the mother is residing at Gurgaon with the father. On a query raised by the Court, counsel has fairly informed that physical distance between Rewari and Gurgaon is approximately 50 KM. As the proceedings under Section 125 Cr.P.C. do not admit of personal appearance of the parties on each and every date and they can be represented through a counsel, I do not find any justification to accept plea of the petitioner for transfer of the case from Rewari to Gurgaon.

So far as the plea with regard to any earlier settlement between parents of the minor, the same shall be taken into consideration by the Court below at an appropriate stage, if pressed into service.

Disposed of accordingly.

JANUARY 20, 2017

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no