

In the High Court of Punjab and Haryana at Chandigarh

CRM -M- 5091 of 2016 (O&M)
Date of Decision: 27.2.2017

Amit Kumar Sharma

---Petitioner

versus

Chander Kanta

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Harjeet Savra, Advocate
for the petitioner

Mr. Surinder Thakur, Advocate
for the respondent

Rekha Mittal, J.

The present petition has been filed by the husband seeking transfer of application filed by the respondent wife under Section 125 of the Code of Criminal Procedure (in short "Cr.P.C.") from the court at Anandpur Sahib, District Ropar to a competent court at Hoshiarpur.

In the notice of motion order dated 11.2.2016, it was noticed as contended by counsel for the petitioner that the petition was filed when the wife was posted at Anandpur Sahib and presently she is posted at Hoshiarpur and the petitioner is living in Hoshiarpur.

Counsel for the respondent has apprised the court that the respondent-wife is no longer working, the proceedings under Section 125 Cr.P.C. have reached at its fag end and dispute between the parties is likely

to be settled by way of compromise.

Counsel for the petitioner concedes to the position that the proceedings have matured to the stage of finalization, however, he still insists for transfer of the case with the submission that three children born out of the wedlock are residing with the petitioner and the petitioner has the responsibility to look after his mother who has suffered paralysis resulting in disability to the extent of 60%.

I have heard counsel for the parties and perused the paper book.

It is admitted position of the case that proceedings initiated by the respondent-wife have already reached the stage of disposal by the trial Magistrate. This apart, the proceedings under Section 125 Cr.P.C. do not admit of personal appearance of the parties on each and every date of hearing.

Taking into consideration stage of the proceedings, I do not find any reason to transfer the case from the Court at Anandpur Sahib to that of Hoshiarpur. I would hasten to add that counsel for the petitioner has not controverted plea of the respondent that the respondent-wife is no longer working much less at Hoshiarpur.

For the foregoing reasons, the petition is disposed of. However, the trial court shall put its best efforts to dispose of the case expeditiously.

(Rekha Mittal)
Judge

27.2.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No