

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

CRM-M-8406-2017

Date of Decision:- June 01, 2017

Shivani

.....Petitioner

V/S

Sachin Kapoor

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Jonny Goyal, Advocate,
for the petitioner.

Mr. Manmeet Singh Rana, Advocate
for the respondent.

A.B. Chaudhari, J. (Oral)

By the present petition, the petitioner, wife of Sachin Kapoor seeks transfer of case No.203/01/14 dated 11.12.2013 from the court of JMIC, Jalandhar to the court of Chief Judicial Magistrate, Ferozepur.

Heard learned Counsel for the rival parties.

The petitioner-wife has raised the ground in para 6 of her petition that she has a minor son of 4 years and the distance between the two places is more than 120 kilometers. In para 7, the petitioner submits that she has to look after her old parents.

Looking to the fact that the respondent is a young person, in my opinion, the inconvenience which could be caused to the petitioner can be taken care of and therefore it is essential to transfer the case from the court of JMIC, Jalandhar to the court of CJM, Ferozepur. Learned counsel for the respondent has vehemently opposed the plea of transfer saying that this is not a good ground for transfer as the cause of action arose at Jalandhar. I,

however, find that the Apex Court in several judgments has taken a compassionate view for females in such type of matters, that is why, I think that the aforesaid case from Jalandhar court should be transferred to a court at Ferozepur.

Learned Counsel for the respondent, however, submits that in the event the case is being transferred by this Court, the respondent should also not be put to inconvenience inasmuch as the respondent should not be asked to appear on the dates which are not material. He submits that the case has ripened to the stage of evidence and therefore, after transfer, he would definitely appear for recording of evidence but then he wants exemption from personal appearance at the time of examination of his witnesses as the respondent wants to examine his witnesses through his lawyer and therefore, he should be granted personal exemption at that stage. Learned Counsel for the petitioner has no objection to the adoption of such a course. In the result, I make the following order:-

ORDER

- (i) Rule is made absolute.
- (ii) Case No.203/01/14 dated 11.12.2013 pending in the court of JMIC, Jalandhar is transferred to the court of Chief Judicial Magistrate, Ferozepur.
- (iii) The stage of the case shall not be changed and the court shall proceed from the stage that was reached in the court at Jalandhar.
- (iv) The respondent however will have to appear for recording his evidence as well as his cross examination.
- (v) Exemption is granted to the respondent from personal

appearance before the court for the examination of his witnesses, if any, and is permitted to examine his witnesses through his Advocate.

Disposed of.

June 01, 2017
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(A.B. Chaudhari)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No