

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-29949 of 2018

Date of Decision: 15.12.2018

Rajinder Kumar

.....Petitioner

Versus

Sushma and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Nonish Kumar, Advocate
for the petitioner.

ANITA CHAUDHRY, J (ORAL)

This is a petition filed by the petitioner seeking transfer of criminal case No. Mtn. 125/86 of 2017 titled Sushma versus Rajinder Kumar (Annexure P-3) from the Family Court, Karnal to the Court at Panchkula.

Case is taken up today as 12.12.2018 was declared holiday.

Service has been effected on the respondents on the last date of hearing but no one had appeared and the case was adjourned for arguments. Still no one appears for the respondents.

Counsel for the petitioner contends that the petitioner had filed a petition under Section 13 of the Hindu Marriage Act at Kaithal and respondent No. 1 had approached the High Court that she was a resident of Karnal, therefore, the petition may be transferred to Karnal. However, the case was transferred to Panchkula as the respondent had claimed in her application given to the Commissioner, Sales and Excise Department that

petition was transferred to Panchkula vide order Annexure P-2. Counsel also submits that they have placed on record copy of the application given by respondent No. 1 on 31.7.2017 wherein she has claimed that she was resident of Housing Board Complex, Sector-14, Panchkula. It is stated that one of the child is studying in Kendriya Vidyalaya, School, Zirakpur.

Keeping in view the facts and circumstances and also the fact that the petitioner is working at Panchkula and is also a resident of Panchkula, the petition filed by the respondents under Section 125 Cr.P.C. titled 'Sushma and others versus Rajinder Kumar' filed on 25.8.2017 (Annexure P-3) is ordered to be transferred to the Court of District Judge, Panchkula who may retain the file himself or entrust it to some other Court.

The petition is allowed.

**(ANITA CHAUDHRY)
JUDGE**

December 15, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No