

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

1. CRM-M-31663-2017

Amritpal Kaur

..... Petitioner

Versus

Kulpreet Singh and others

..... Respondents

2. CRM-M-31551-2017

Amritpal Kaur

..... Petitioner

Versus

Kulpreet Singh

..... Respondent

Date of decision :-20.8.2018

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.G.S. Dhillon, Advocate
for the petitioner.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions i.e. **CRM-M-31663-2017** and **CRM-M-31551-2017** filed by petitioner Amritpal Kaur.

CRM-M-31551-2017 has been filed by the petitioner for transfer of the petition titled 'Amritpal Kaur Versus Kulpreet Singh and others' under Sections 12, 17, 18 to 23 and 23(2) of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the

Act) pending before the learned Judicial Magistrate Ist Class, Patiala to the Court of competent jurisdiction at District Mansa.

Whereas CRM-M-31551-2017 has been filed by the petitioner for transfer of the petition titled 'Amritpal Kaur Versus Kulpreet Singh' under Section 125 Cr.P.C. pending before Judicial Magistrate Ist Class, Patiala to the Court of competent jurisdiction at Budhlada, District Mansa.

In the petitions, the petitioner has contended that she was harassed and maltreated by her husband and in-laws family after her marriage, during the period of her stay at matrimonial home at Patiala; that her husband along with his mother has left for Australia after collecting money and jewellery from the petitioner; that at the instance of the petitioner, an FIR was registered under Sections 498-A, 406 IPC; that the trial is going on before Judicial Magistrate Ist Class, Budhlada; that the petitioner is only 34 years old and does not have much support of her parents since they are of old age. According to the petitioner, her husband through a power of attorney given to his uncle, had filed a divorce petition at Patiala, which was dismissed. Thereafter the petitioner has filed a petition under Section 12, 17, 18 to 23 and 23(2) of the Act, which is pending before Judicial Magistrate Ist Class, Patiala.

The petitioner seeks transfer of both the petitions to the Court of competent jurisdiction with Sessions Division Mansa saying that Patiala is at a distance of 110 kms. from her parental house at Budhlada. The petitioner submits that she has no source of income and it is difficult for her to travel so far to attend the dates of hearing.

Notice of the petitions was served upon respondents No.1 and 2 through wives, whereas respondent No.3 was stated to be residing outside India. There is no representation on their behalf.

I have heard learned counsel for the petitioner besides going through the record.

Keeping in view the contentions put forward by learned counsel for the petitioner that petitioner, who is a young woman having no source of income and is residing with her old aged parents at Budhlada with no male member to accompany her for going to attend the dates of hearing in the petition filed by her pending before Judicial Magistrate Ist Class, Patiala, I find that the petitioner has been able to show that she got a good case for transfer of the petitions in question to Court of competent jurisdiction at Budhlada, District Mansa.

Therefore, the petitions are allowed. The petition titled 'Amritpal Kaur Versus Kulpreet Singh and others' under Sections 12, 17, 18 to 23 and 23(2) of the Act and the petition titled 'Amritpal Kaur Versus Kulpreet Singh' under Section 125 Cr.P.C. pending before Judicial Magistrate Ist Class, Patiala are transferred from Judicial Magistrate Ist Class, Patiala to Sub Divisional Judicial Magistrate, Budhlada.

(H.S. MADAAN)
JUDGE

20.8.2018
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1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**