

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

**CRM-M-34717-2018(O&M)
Date of decision:-17.8.2018**

Aseem Bindal

...Petitioner

Versus

Perna Aggarwal

...Respondents

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

Argued by :Mr.J.S. Toor, Advocate
for the petitioner.

H.S. MADAAN, J.

Petitioner Aseem Bindal by way of filing the present petition seeks transfer of application under Section 125 Cr.P.C. filed by his estranged wife Perna against him pending in the Court of Judicial Magistrate Ist Class, Jalandhar to the Court of competent jurisdiction at Panchkula or Chandigarh for the reasons as under:

- (i) that the petitioner is a Government servant and has old ailing parents and minor daughter of the parties to look after;
- (ii) that respondent herself is working and putting up at Chandigarh and just to harass him has filed the application in the Court at Jalandhar that too as a counter blast to petition for transfer of a case under Protection of Women from Domestic Violence Act, 2005 filed by her against the present petitioner

pending in the Court at Jalandhar to Court of competent jurisdiction at Chandigarh or Panchkula, which is pending before this Court;

(iii)that the respondent and her family members are influential persons having links with local politicians and police and the petitioner apprehend danger to his life and that of his family members when they go to Jalandhar for attending hearings.

I have heard learned counsel for the petitioner besides going through the record and I find little merit in the petition.

In the petition itself, the petitioners has given address of respondent Prerna Aggarwal of that of Jalandhar. Counsel for the petitioner has placed on file copy of order dated 7.5.2018 passed by a Co-ordinate Bench of this Court on an application filed by Prerna Aggarwal and another against the present petitioner Aseem Bindal seeking transfer of suit for mandatory injunction titled “Aseem Bindal Vs. Prerna Aggarwal and Anr.” pending in the Court of Civil Judge (Sr.Divn.), Panchkula to Civil Judge (Sr.Divn.), Jalandhar. That petition had been dismissed in light of the plea taken by Prerna Aggarwal that she is doing a private job in Sector 34, Chandigarh and she is residing as a paying guest at Mohali and she comes to Chandigarh daily from Jalandhar to attend her job. The Court while rejecting the application observed that if it is so, she can go to Panchkula Courts also to attend the proceedings, which are not required to be personally attended on each and every date of hearing. This order go to show that Prerna Aggarwal is residing at Jalandhar. Merely for the reason that she is

staying at Mohali on temporary basis does not go to show that she has got her permanent residence at that place. Furthermore, in a petition under Section 125 Cr.P.C., the respondent is not required to attend each and every date of hearing in person. He is not required to be accompanied by his parents and minor daughter while putting appearance in the Court. The allegations regarding respondent and her parents being well connected are general and sweeping. There is nothing to show that any physical harm to the petitioner was caused or attempted to be caused while he went to Jalandhar to attend the date of hearing. Even otherwise, if he apprehends any such danger, he can report the matter to the local police and the Court concerned so that necessary action could be taken in that regard. Merely because, it is inconvenient for the petitioner to go to Jalandhar to attend the hearings in application under Section 125 Cr.P.C. is no ground to transfer the application from the Court of Jalandhar to the Court of competent jurisdiction at Panchkula or Chandigarh.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

17.8.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No