

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

TA-200-2019 (O&M)

Date of decision: 27.08.2019

Jeenu Malhotra @ Johny Malhotra

...Applicant

Versus

Veena Rani

...Respondent

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

Present: Mr. R.S. Dadwal, Advocate for the applicant.

Mr. Gurpreet Jayia, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Jeenu Malhotra @ Johny Malhotra, resident of Jagraon, District Ludhiana, by way of filing the present application, seeks transfer of petition under Section 125 Cr.P.C., filed by his wife Veena Rani against him, having title 'Veena Rani Vs. Jeenu Malhotra' pending in the Court of Addl. Principal Judge, Family Court, Ludhiana to the Court of competent jurisdiction at Jagraon.

According to the applicant, he had met with an accident on 25.01.2016, in which his right leg was fractured. Till date, three surgeries have been performed for joining of fractures but still he is not able to walk without help of a walker. The injury requires further treatment. It is difficult for him to travel from Jagraon to Ludhiana, to attend the proceedings in petition under Section 125 Cr.P.C filed by the respondent against the applicant. Therefore, the petition in question be transferred to Court of competent jurisdiction at Jagraon.

Notice of the application was given to the respondent who put in appearance through counsel and is opposing the application vehemently, praying for its dismissal.

The applicant is seeking transfer of petition under Section 125 Cr.P.C., filed by his wife for the reason that since there is a fracture in his leg which has not been healed fully, as such, he is unable to walk without help of a walker and is facing difficulty in moving around, whereas, learned counsel for the respondent has contended that the applicant can very well walk about whereas respondent does not have any source of income and is taking care of minor son of the parties, aged about 6 years, who is school going. Therefore, the present application be dismissed.

After hearing counsel for the parties and going through the record, I find that no ground is made out to accept the application. Furthermore, the applicant is seeking transfer of the case within same Session Division and he has approached this Court straightway without availing remedy of first approaching District & Sessions Judge. The application stands dismissed.

27.08.2019
sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No