

CRM-M-17712-2018 (O&M)
Date of decision:08.01.2019

ROHAN BANSAL ... Petitioner

versus

SIMMY Respondent

2. CRM-M-17484-2018 (O&M)

ROHAN BANSAL ... Petitioner

versus

SIMMY AND ANR. Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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Present: Mr. S.K.Garg Narwana, Sr. Advocate with
Mr. Yadvinder Saini, Advocate
for the petitioner.

Mr. Rajbir Singh, Advocate
for the respondent.

HARI PAL VERMA, J. (Oral)

This order shall dispose of two petitions i.e. ***CRM-M-17712-2018*** filed by the petitioner Rohan Bansal seeking transfer of complaint No. 53134 of 2017 titled as **Simmy vs. Rohan Bansal and others** under Sections 12, 17, 18, 19 and 20 etc. of the Protection of Women from Domestic Violence Act, 2005, pending before the Judicial Magistrate, 1st Class Ludhiana and ***CRM-M-17484-2018*** for seeking transfer of complaint No.51342 of 2017 titled as **Simmy vs. Rohan Bansal and others** under Section 125 Cr.P.C. seeking maintenance.

Learned senior counsel has argued that the respondent-complainant has filed the aforesaid complaint(s) as well as application(s) under Section 125 Cr.P.C. at Ludhiana, despite the fact that she is a resident of Barnala. The marriage between the parties was solemnized at Ghaziabad but the respondent-complainant has filed the cases at Ludhiana for the reason that Sh. Amar Paul, learned Additional Sessions Judge, Ludhiana and Sh. Prem Kumar, learned Additional Sessions Judge, Gurdaspur are friends of her father and the petitioner does not expect that justice would be done to him from Court at Ludhiana.

Reply filed on behalf of the respondents in both the cases are taken on record.

Learned counsel for the respondents has argued that the allegation that the aforesaid officers are extending any pressure on the courts is totally misconceived and not relevant for the decision in the pending case.

I have heard learned counsel for the parties.

Without observing anything on the merits of the case, present petitions are hereby disposed of with a direction that both the cases pending before the learned Judicial Magistrate 1st Class, Ludhiana are hereby transferred to Court at Patiala. The CJM Ludhiana shall forward relevant files of the cases to the CJM Patiala who shall either keep the cases with him/her or may entrust these cases to any other judicial officer of competent jurisdiction at Patiala, who shall commence the respective proceedings from the stage these were pending in their Courts.

The argument of learned counsel for the respondent-complainant that she be compensated as she has to travel from Barnala to Patiala, is left to the discretion of the trial Court.

Parties/their counsel are directed to appear before the CJM, Patiala on 07.02.2019.

January 08, 2019

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No