

230.

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

CRM-M-40987-2018

Date of decision:06.02.2019.

MAJOR SINGH

... Petitioner

versus

SANDEEP KAUR

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Nitin Rampal, Advocate,
 for the petitioners.

Mr. J.P. Sahu, Advocate,
 for the respondent.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 407 Cr.P.C is for transfer of the case filed by the respondent-wife under Section 12 of Protection of Women from Domestic Violence Act (for short, the Act) titled as “Sandeep Kaur versus Jagdeep Singh and others”, and pending in the Court of learned Judicial Magistrate Ist Class, Ferozepur to the Court of learned Judicial Magistrate Ist Class, Guruaharsahai, District Ferozepur.

Learned counsel for the petitioner states that the respondent is not residing within the territorial jurisdiction of Ferozepur Court where she has filed the aforesaid complaint. Petitioner, who is father-in-law of the respondent-complainant, should not be made to suffer by travelling all the way from Guruaharsahai to Ferozepur repeatedly. He further states that in a civil suit filed by the petitioner for permanent injunction, the respondent was arrayed as defendant No.3 at the residential address of Village Lodhra,

District Ferozepur and the said suit was filed in the Civil Court at Guruharsahai which is sufficient to establish that the respondent is residing in Village Lodhra i.e. within the jurisdiction of Guruharsahai court.

On the other hand, learned counsel for the respondent has argued that the son of the petitioner is working as a Clerk with an Advocate at Guruharsahai and on the relevant date, when the respondent (defendant No.3 in the suit) was served, she was with her parents. In this manner, the son of the petitioner succeeded in serving the summons to the respondent at Village Lodhra. The respondent is otherwise residing in Village Jhoke Harihar, Tehsil and District Ferozepur i.e. within the jurisdiction of Ferozepur Court. Thus, complaint has rightly been filed at Ferozepur.

I have heard learned counsel for parties.

Admittedly, the petitioner before approaching this Court through the instant petition has not filed any reply to the complaint filed by the respondent under Section 12 of the Act and in this manner, no such objection has been taken. The order dated 13.06.2018 passed by learned Chief Judicial Magistrate, Ferozepur whereby the application filed by the petitioner was dismissed does indicate that the respondent has filed the complaint before Ferozepur Court claiming therein that she is permanent resident of Village Jhoke Harihar. The respondent is statedly staying with her maternal uncle at Village Jhoke Harihar. Though she is permanent resident of Village Fatehgarh Gehri where she was married and as she was not being treated well by her husband, she is residing at Village Jhoke Harihar, which falls within the jurisdiction of Ferozepur Court. Even otherwise, the distance between Ferozepur and Guruharsahai is about 25

In view of above, present petition does not require any interference and the same is dismissed accordingly.

However, the petitioner can take the objection as regards the jurisdiction at the time of filing his reply which shall be considered by the trial Court in accordance with law.

(HARI PAL VERMA)
JUDGE

06.02.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No