

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-56118 of 2018 (O&M)
Date of decision : October 31, 2019

Parveen Kumar

....Petitioner

versus

Anju and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sachin Gupta, Advocate, for the petitioner
Mr. DPS Bajwa, Advocate, for the respondents

Fateh Deep Singh, J. (Oral)

Petitioner Parveen Kumar working as SDO in Electricity Department entered into a wedlock with respondent no. 1-Anju on 4.2.2013 out of which respondent no. 2-Krish a minor son was born to the couple. On account of matrimonial disaccord litigation ensued between the couple. The wife Anju filed an application under Section 125 of the Cr.P.C. which is pending in the court of learned Sub Divisional Judicial Magistrate, Narwana District Jind. It is during the course of pendency of this application, the husband has invoked the jurisdiction of this Court with the aid of Section 407 Cr.P.C. seeking transfer of the proceedings from the court at Narwana to the

competent court in district Kaithal.

Upon notice, Mr. DPS Bajwa, Advocate appeared for the respondents.

The primary ground of Sh. Sachina Gupta, counsel for the petitioner is that since real brother of the wife namely Anil Mor and counsin brother namely Satinder Mor are practicing advocates in court at Narwana and Jind, no advocate is willing to appear on behalf of the petitioner and has sought to place on record and rely on order dated 10.9.2019 passed by the court whereby the petitioner was provided with Amicus curiae. It is during the course of hearing Mr. Sachin Gupta, learned counsel for the petitioner had made statement that the husband is willing to pay Rs 15,000/- per month to the wife and the minor child from 1.11.2019 irrespective of claim and counter-claim of the parties during the trial of the application under Section 125 Cr.P.C. as interim maintenance till culmination of the proceedings on the application before the court below, which shall be paid in the first week of every English calendar month in the bank account of respondent-wife or would be paid in cash in the court. He has further undertaken that the petitioner would be paying Rs 1500/- for every date of hearing in the said proceedings which will be paid on the date of every hearing, to enable the

respondent to appear and contest the litigation. Mr. DPS Bajwa, learned counsel for the respondents after getting instructions has made statement accepting this offer. Counsel for the two sides have made statement in the light of this offer that the proceedings of application under Section 125 Cr.P.C. pending in a court at Narwana, District Jind be transferred to the competent court at Kurukshetra and none of the parties would object to the same. The parties would be bound by these stands taken before this Court.

In the light of the same, the present petition stands disposed of. Learned District & Sessions Judge, Jind is directed to send records of the aforesaid application to the office of learned District & Sessions Judge, Kurukshetra who may allocate the same to the court of competent jurisdiction at Kurukshetra.

Keeping in view that the matter is unduly prolonged, it is further directed that the trial court would afford three opportunities to each of the parties to complete the evidence and preferably dispose of the matter within six months from the date the parties would put in appearance before the court concerned.

October 31, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No