

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

Crl. Misc. M 3006 of 2020 (O&M)
Date of decision: 23.1.2020

Amro

...Petitioner

Versus

Soma Rani and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Amit Dhawan, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

The petitioner herein seeks to challenge the order dated 20.12.2019 (Annexure P/5), as passed by the Sessions Judge, Jalandhar, whereby the revision petition filed by the petitioner seeking to transfer of Complaint No.79/2/2016 titled Soma Rani Versus Mohan Lal and others under Sections 12, 18, 19, 20, 21, 22 and 23 of the Protection and Women from Domestic Violence Act, 2005 pending before the Court of Judicial Magistrate Ist Class, Phillaur, stands dismissed.

In brief, the facts are that a complaint case was filed by Soma Rani before the Judicial Magistrate Ist Class, Phillaur, under the provisions of the Protection and Women from Domestic Violence Act, 2005, in which the petitioner was proceeded ex-parte and by the same order the Judicial Magistrate Ist Class, Phillaur, granted the right of residence to the complainant in the house of the petitioner. Aggrieved against the said order,

the petitioner preferred a revision petition seeking stay of the operation of the order dated 1.5.2019 which order was stayed by the Additional Sessions Judge, Jalandhar on 6.6.2019.

Learned counsel appearing on behalf of the petitioner contends that the Presiding Officer i.e. Judicial Magistrate Ist Class, Phillaur was adamant about allowing the complainant the right of residence to live in the premises and that the attitude of the Presiding Officer did not inspire any confidence. It is submitted that since the petitioner has lost faith in getting any justice from the Presiding Officer, an application had been filed for transfer of the case, which was dismissed without appreciating true facts of the case. Aggrieved against the said order, the instant revision has been filed wherein great stress has been laid that the case be transferred as the petitioner apprehends that the petitioner will not get any justice from the said Court.

I have heard learned counsel for the petitioner and have also perused the impugned orders so passed.

The revisional court seized of the transfer application had called for the comments of the Presiding Officer on the application so filed and the Presiding Officer had clearly stated that he would have no objection in case the case is transferred from his Court, as he has no personal interest nor is he interested in any of the parties. The Presiding Officer denied all the allegations as stated in the transfer application.

This Court too finds that no adequate ground has been made out for the transfer of the case from the present Court to some other Court or for interference in the said proceedings. Just because the petitioner has

apprehension that she would not get justice from the court Judicial Magistrate Ist Class, Phillaur, the apprehension does not become a ground for transferring the matter without any cogent evidence on the record that the Presiding Officer is biased against her or she is being prejudiced or being put to any disadvantage. It cannot be lost sight of that the petitioner herself did not put in appearance and was proceeded ex-parte when the order had been passed by the Judicial Magistrate Ist Class giving right of residence. The petitioner cannot be allowed to bench hunt in this fashion. Mere apprehension or only flimsy reasons are not sufficient to transfer a case from one court to another. This Court reposes faith that courts below will decide all matter in accordance with law.

Consequently, finding no merit in the instant case, the same is dismissed.

23.1.2020

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No