

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

Crl. Misc. M- 6940 of 2020 (O&M)
Date of Decision: 17.2.2020

Sandeep Kumar Kaura @ Sandeep Kora

..Petitioner

Versus

Jyoti Verma

..Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Gulati, Advocate
for the petitioner.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 407 of the Code of Criminal Procedure for transferring the case MNT 125/492/2019 dated 3.7.2019 tilted **Jyoti Verma Versus Sandeep Kaura** filed under Section 125 of the Code of Criminal Procedure from the Court of Principal Judge, Family Court, Hoshiarpur to a competent Court at Moga.

In brief, the facts are that a dispute arose between the parties after solemnisation of their marriage that had taken place on 10.10.2018 and on account of that dispute, the parties were living separately. The respondent herein filed a petition under Section 125 of the Code of Criminal Procedure for grant of maintenance which is pending before the Principal Judge, Family Court, Hoshiarpur. The said petition was filed on or before 3.7.2019 on which date the petitioner was summoned for 11.11.2019. In the meantime, the petitioner too filed a divorce petition at Moga on 3.7.2019.

Therefore, it was prayed that since a petition under Section 13 of the Hindu Marriage Act is already pending at Moga, the maintenance petition filed by the respondent—wife under Section 125 of the Code be also transferred to Moga.

I have heard learned counsel for the petitioner and find no ground to transfer the petition as sought only on the ground that divorce petition has been filed at Moga. An argument has been raised that the petitioner is 45% physically handicapped on account of shortening of left lower limb by 2” and as such he faces difficulty in undertaking the journey and therefore, it would be expedient in case the petition filed under Section 125 of the Code is transferred to Moga. A perusal of the Disability Certificate would reflect that there is shortening of left lower limb by 2”, assessing 45% disability. Such physical disability cannot become a ground for transfer of a case. While considering transfer of a case, welfare of the wife has to be kept in mind, who has no source of financial assistance and is seeking maintenance from her husband, being destitute. If the petition filed by the respondent under Section 125 of the Code is ordered to be transferred to Moga, it would only put additional financial burden on her, which cannot be compensated.

For the reasons afore-stated, this petition is dismissed.

(JAISHREE THAKUR)
JUDGE

17.2.2020
prem

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No