

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36720-2018 (O&M)

Date of Decision: January 29, 2020

Baldev Singh

..... Petitioner

VERSUS

Mandeep Kaur and another

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Liaqat Ali , Advocate
 for the petitioner.

None for the respondents .

JAISHREE THAKUR, J.(Oral)

This is a petition that has been filed for transfer of the petition under Section 125 Cr.P.C., Police Station Beas bearing No. 942-2017, titled as Mandeep Kaur and another vs. Baldev Singh, pending in the Court of SDJM, Baba Bakala, District Amritsar to District Court at Mohali.

Learned counsel for the petitioner would contend that the respondent herein is actually a resident of Mohali as would be evident from the documents that have been appended with the petition which is Annexure P-4. It is contended that in-fact she is residing at Kothi No. 608, Phase XI, Top Floor, District SAS Nagar Mohali as would be evident from Annexure-P-3, which is a civil suit that she has filed against the petitioner herein, in which she has put in an appearance as well. He also relies upon the fact the one of the minor child who is residing with her is a student of St. Xavier's Sr. Sec. School, Sector 44, Chandigarh which would be reflected by the

School Certificate issued dated 03.08.2018.

At the very outset, it is noticed that after notice of motion had been issued, Mr. B.S. Sohal, Advocate has filed his power of attorney and had sought time to file reply. The matter was then adjourned to 09.05.2019, on which date, neither there was any appearance nor any reply was filed. Consequently, the Court listed the case for 26.08.2018, on which date there was no appearance on behalf of the respondents, however, the Court while adjourning the matter gave last opportunity to file a reply by 29.01.2020. The matter is taken up today and same is the position today. There is no appearance on behalf of the respondent, nor has any reply been filed to counter any of the allegations as raised by the petitioner herein. The petitioner has categorically stated in the petition that in fact the respondent-wife is actually a resident of Mohali but only to harass the petition, has filed petition under Section 125 Cr.P.C. at Baba Bakala, District Amritsar. He also points out that the complaint under Section 125 Cr.P.c. would also show that the minor daughter is residing at Kothi No. 608, Phase XI, District SAS Nagar Mohali .

I have heard learned counsel for the petitioner and perused the orders. At the very outset, this Court notices that the minor daughter of the petitioner who is residing along with the mother is shown to be residing at Kothi No. 608, Phase XI, Top Floor, District SAS Nagar Mohali and therefore it would be presumed that she would not be residing separately from her mother. Another mitigating factor is that there has been no appearance since long on behalf of the respondent despite service nor any reply filed to controvert the fact that the respondent is in fact residing in

Mohali.

Considering the fact that the parties are residing at Mohali and there is one more litigation pending at Mohali between the parties, this Court finds adequate reasons to allow the present petition and transfer the case from the Court of SDJM, Baba Bakala, District Amritsar to District Court, Mohali. Let the entire record be sent to the District Court at Mohali.

Petition stands allowed accordingly.

January 29, 2020

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned	Yes.
Whether reportable	No.